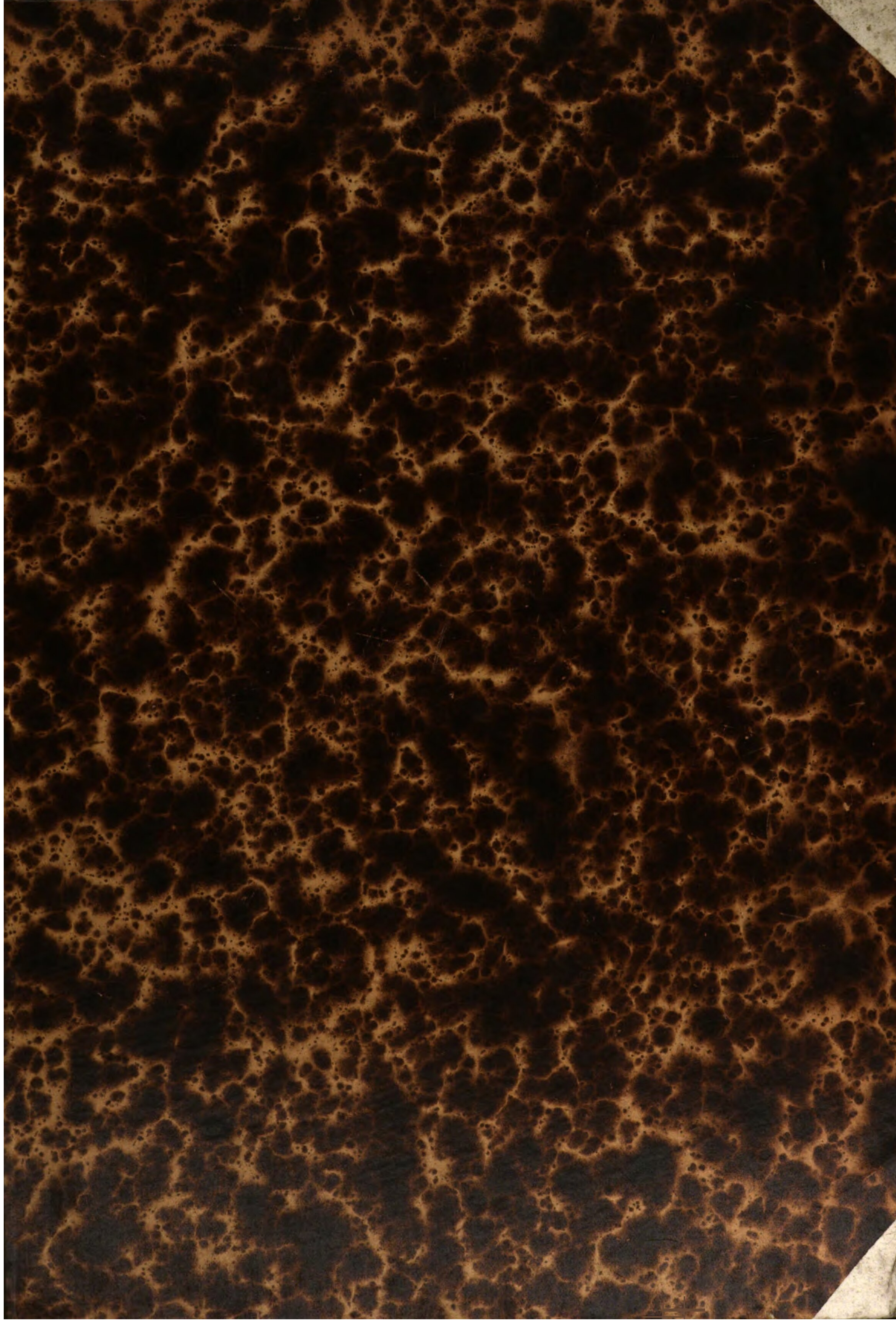




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Macaulay

THE HISTORY OF ENGLAND
FROM THE ACCESSION OF JAMES I
TO THE ELEVATION OF
THE HOUSE OF HANOVER.
BY CATHARINE MACAULAY
VOL. IV

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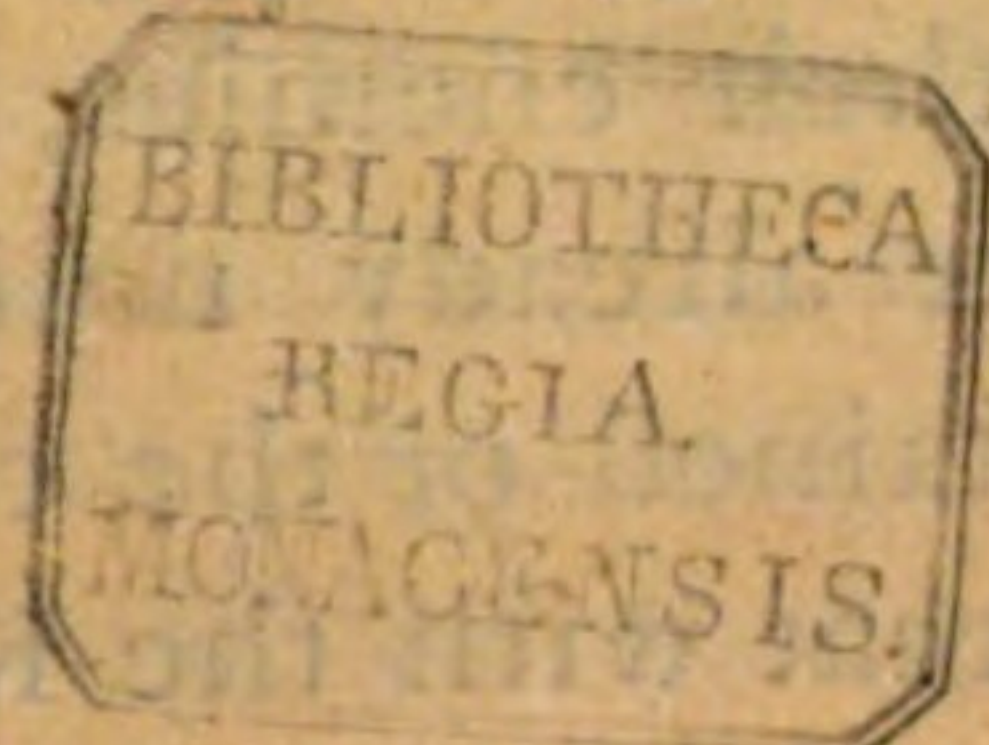
murder to London. — The two Houses and other members
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ERRATA.

Page 174, note, for *Newark* read *Norwich*.

366, line 17, (in some copies) for *scaled* read *sealed*.

THE
HISTORY
OF
ENGLAND.
CHARLES I.



C H A P. I.

Discord between the two houses.—Sequestrations.—Assessments.—The excise introduced.—The queen impeached.—Conspiracies against the parliament.—Execution of the conspirators.—Jealousy in the King's partizans.—Siege of Gloucester.—Petitions for and against peace.—A female tumult.—Gloucester relieved.—Death and character of lord Falkland.—The parliament make a new great seal.—Sentence of the judges Berkley and Trevor.—The King's successes in the West.—Treachery.—Extraordinary efforts of the parliament.—The Scots called in to their assistance.—The King has recourse to the Papistical party in Ireland.—Affairs of that kingdom.—Cessation with the Irish Papists.

THAT torrent of success which, in an uninterrupted course, had followed the royal arms, might have stricken the parliament with dismay, had that assembly been united among themselves ; but, divided as they were by jarring interests,

Ann. 1643.

Ann. 1643.

with reason might the royalists exult in the opinion, that their work was now over, and that what was left unfinished of the total ruin of their enemies, faction would complete. It has been already noticed, that some diffidence had been entertained of the commissioners who were sent down to treat with the King on propositions of peace, the lord Say having been excluded by the council at Oxford, on the opinion that he was too wise to be imposed on, and too much an enemy to be gained. Mr. Martyn, one of the committee of safety, suspecting court-intrigue, had opened a letter from the earl of Northumberland to his wife; which, on the return of the commissioners, was so brutally resented by this proud, formal nobleman, that, notwithstanding Martyn's character as a gentleman, a member of the house of Commons, and invested with the most important office in the kingdom, an office, which, in a manner, authorized the act, he struck him, on his justifying his conduct. Martyn, instead of properly resenting the affront, complained to the Commons, who demanded satisfaction for the insult committed against their house, in the person of their member; but, on the Peers standing stiffly by Northumberland, they had the moderation, at this important crisis, to let the business drop. Not so was the conduct of the Peers, who, at a time when unity of opinion and principle were essential appearances, in opposition to the Commons, affected to proclaim themselves the assertors of the rights of royalty; and on the same Martyn's having broken open the King's stable at the Meuse, and taken some of his horses, resented this piece of disrespect, as they termed it, to the King. The Commons, in this point,

Discord between the two houses.

point, defended their member, who, in a conference Ann. 1643. on the subject, shewed the idleness of the Lords' pretensions *. The jarring between the two houses was not confined to trifling differences. The Lords, jealous of the undivided authority which the Commons had asserted in the business of taxation, assumed a more tender regard for the privileges of the subject; and not only opposed the oppressive, yet necessary, taxes which had been laid on the people, but granted protections to their own creatures and dependents; a conduct which evidently tended to a fatal division of the only authority under which the king could be constitutionally opposed, to a formidable increase of domestic faction, and to elevate the hopes of the enemy.

WHILE these petulant thwartings subsisted between the King's opponents, he very industriously improved his other advantages. Among the chief of these were the forms of law, which not providing for a difference between the several parts of the legislature, ascribed to the King prerogatives which, if allowed, would serve him powerfully against his enemies. A proclamation was accordingly issued, by his authority, to adjourn the courts of justice, during Michaelmas term, to Oxford; but the parliament, having first made a fruitless attempt, by the way of peti-

* The Lords carried the matter so far, as to tell the Commons they would write to the lord-general to recal Mr. Martyn's commission. On this, the Commons voted, That Mr. Martyn did well in not delivering up the horses; that they should be kept by him till the house gave farther order; and that the lord-general should be desired not to do any thing in the business concerning Mr. Martyn, till he heard farther from their house. *Parl. Hist.* vol. XII. p. 251.

Ann. 1643.

tion, for the recalling the proclamation, passed an ordinance, forbidding obedience to be paid to it. At the return of that period when justice in the several counties was usually administered to the people, the parliament, foreseeing that the King would, in those places where his party prevailed, under the sanction of the strict letter of the law, and according to its forms, condemn, as rebels, those who had taken arms against him; in an address, in which they set forth the inconveniencies which would follow, in these hostile times, the holding the accustomed assizes, petitioned him to agree to their being put off to a more convenient season. Charles was too tenacious of his advantages to grant the request; and the parliament had recourse to the power of an ordinance, commanding the judges, on their perils, to forbear to execute any commissions of assize in this the Lent vacation*.

NEITHER the voluntary subscriptions, which had been with such profusion poured in by the well-affected citizens, nor the parliament's ordinances for assessments, either too moderate for the urgency of the occasion, or very partially obeyed, were sufficient to supply the exorbitant expences of the protracted war. Before the propositions for peace were sent to the King, the city had been again pressed to a farther contribution; and complied with the request, on the

* The King having attempted to exert his prerogative, in the nominating those for sheriffs who were implicitly at his command, the parliament declared, That sheriffs constituted by the King, expressly contrary to the inclinations of parliament, were not legal sheriffs; and ordered such officers, who attempted to execute the business of their office, to be sent for as delinquents.

rational

rational condition, that the members of both houses should set the example: but the sums raised by such means were very inadequate to the necessities of the times; and the Commons had again recourse to more arbitrary, yet more beneficial, ways of raising supplies. The estates, real and personal, of some of the most noxious of the King's party were, by a vote of the lower house, sequestered for the uses of the public; a committee was appointed to consider of the sequestering the estates of all such persons as were, or should be, in actual war against the parliament; an ordinance passed for the absolute sequestration of the King's revenue, with those of the queen and prince of Wales, and for a general weekly assessment for the maintenance of the army*; and, soon after, an excise was introduced, a badge of slavery which foreign states had carried, and from which it had been the peculiar triumph of the English nation to be exempt. Nor is it to be supposed that a people, who had gone such lengths in the defence of Liberty, could, on any pretence, have been prevailed on to submit to the servile imposition, had it not been supposed a temporary expedient, authorised by obvious necessity, and that a high sense of danger had deadened the feelings of inferior grievances. On the continued accounts of depredations and cruelties committed by

Ann. 1643.

Assessments.

The excise introduced.

* This tax lay very hard on the citizens of London, who, notwithstanding their zeal, did not fail to complain of the unequal burthen they had borne; and to hint, that their good affections to the cause had subjected them to heavier impositions than the malignancy of others. The whole assessment amounted to 33000l. and the city of London was taxed to the full third.

the

Ann. 1643. the King's army, with correspondencies between the court and the Irish massacrist, the parliament, seeing, as they said, the same spirit here against the Protestant religion, and the rooting out of Protestants, as in Ireland, came to a resolution, That proceedings should be against all Papists whatsoever, as traitors, who had been in arms, or actual war, against the parliament, or had furnished the King with materials for the maintenance of the war.

The queen
impeached.

THIS was a prelude to an impeachment of the queen *, which, in a few days afterwards, was carried up by Mr. Pym, who, in the name of the Commons of England, desired the Lords to issue forth proclamations to summon her to appear before them, for having levied war against the parliament and kingdom. It must be observed, that the parliament, which was now pretty well purged of all its members whose affections were strongly biased to the monarchical part of the constitution, had altered their

* It is to be observed, that this impeachment of the queen is grounded on her having levied war against the parliament and kingdom. In the year 1641, on a false report being carried to the queen, that the house of Commons intended to accuse her of treason, that assembly protested that they had never had any such thing in their thoughts. The votes for impeaching her, at this time, passed the house *nemine contradicente*.

This impeachment was carried up on the twenty-third of May. The business slept till the January succeeding, when the Lords appointed nine of their members to consider what method of proceeding, for bringing the queen to trial, was most agreeable to a parliamentary way, and to peruse precedents for settling a sure course. *Parl. Hist.* vol. X. p. 229, vol. XII. p. 26, vol. XIII. p. 2.

file,

stile, and the King's name, which, by the forms of Ann. 1643. law, was necessary to be used in all public business, but a ceremony highly ridiculous in time of hostilities, was now entirely left out; and that these spirited exertions were at the time when the King's affairs were in the highest career of success, the queen's impeachment having been carried up after she had met the King with a strong reinforcement of horse, foot, and arms. But, great as was the enterprize the popular leaders had undertaken, with the interruptions and dangers treacherous councils had introduced, they exceeded not their courage and capacity, which they exerted in proportion to the necessity of each occasion.

IN the midst of those discouragements which Conspiracies against the parliament. the ill success of military operations almost every day produced, a plot to divide the party in opposition, and to deliver up the city to the King, was discovered by the means of a servant, who, suspecting the intrigue, had placed himself in a situation where he heard discourses which, in some measure, unravelled it. Edmund Waller, famous for his poetic genius, who had made a considerable figure in the short parliament, in an animated, eloquent speech against compounding with the King for a relinquishment of the tax of ship-money, and in the beginning of this meeting had expressed a spirit of resentment against the oppressions of the King's administration, now, from those councils, which every day increased in boldness, began to fear, if his party was crowned with success, a total extinction of regal power, and the gaudy splendor of a court; circumstances of prevalent, and almost universal, influence
over

Ann. 1643.

over the rhyming race *. Perhaps, too, the King's turn of fortune might have its effect; but, whatever were the principal motives that prevailed with Waller, either the fear of a republican government, or the desire of ingratiating himself with a power which, in appearance, had more than an equal chance for victory, he entered into a combination with Tomkins, his brother-in-law, and one Challoner, Tomkins's friend, to form, of the members of both houses and citizens, a party strong enough to oppose the means necessary to carry on the war. The earls of Northumberland, Conway, and other noblemen, had so far encouraged the scheme, as to express desires that expedients might be found to limit the authority exercised by the Commons. This design, which had been made known to the King before the parliament's propositions of peace were sent to him at Oxford, and on the account of which he had saluted Mr. Waller with the following expression, "Tho' last not least in love," was so highly improved on by royal council, that it arose to the taking into the custody of the party the King's children; the securing the principal leaders of the two houses, viz. the lords Say and Wharton, Sir Philip Stapleton, Mr. Pym, Ham-

* Poets in general are, of all people, the least tenacious of popular privileges, and the most ignorant in matters of policy. The flights of poetic fancy are too wild for the exercise of subjects bound within the limits of rationality, fitness, convenience, and use. An imagination sufficiently warm and varied for the productions of poetry, has seldom solidity enough for investigation, is apt to be affected with objects of shew, and to dwell with pleasure on the romance of life. Poetry is the best garb for panegyric, and princes have it in their power to be good patrons.

den, and Strode, with the lord-mayor and committee Ann. 1643. of the militia ; to seize upon the out-works, forts, magazines, gates, and other places of importance, in the city and Tower ; and to let in the King's forces, three thousand of which were to advance from Oxford, so soon as intelligence was received there that the matter was come to a proper ripeness. Whilst the three conspirators were concerting measures, and forming lists of those they imagined well affected to their scheme, intelligence of their machinations was carried, by Tomkins's servant, to Mr. Pym. Waller, Tomkins, and Challoner, were seized ; and a commission from the King to raise forces sufficient to execute the design, which had been carried to London by the lady Aubigny, found in Tomkins's cellar. On the discovery of a plot which involved in suspicion many people of note, and members of both houses, a covenant, as a test, was proposed and taken by Lords and Commons. It was afterwards recommended to the whole kingdom, and contained a declaration of abhorrence of the treacherous design lately discovered ; of a steady adherence to the parliament against the King's forces, raised without their consent ; and the covenanters, with resolving to amend and reform their lives, vowed, That they never would consent to lay down arms, so long as the Papists, at this time in open war against the parliament, should, by force of arms, be protected from the justice thereof.

WALLER, whose courage was very unequal to the part he had undertaken, was seized with such a panic on the view of danger, that, actuated wholly by his fears,

Execution of
the conspira-
tors.

Ann. 1643.

without regard to friendship, or the sacred ties of confidence, he confessed every circumstance of the plot, without concealing a tittle of any discourse he had ever had with the malcontents. It was from him the parliament were acquainted of the correspondence and intercourse entertained with the ministers of state at Oxford; that the lords Portland and Conway had been concerned in all the agitations which had been with the citizens; and that the earl of Northumberland had expressed very good wishes to any attempt that might put a stop to the proceedings of parliament. Such were the agonies of mind which the fears of death had occasioned in Waller, that his trial, out of a principle of compassion, was put off till he could recover some composure. A court-martial was appointed to try Tomkins and Challoner, Alexander Hamden and Hassel, two messengers of the King, who had been employed to carry intelligence to and from Oxford, with those citizens whose names were in the King's commission. The lives of the greater number of these last were saved, by its not appearing that their names were put into the commission with their consent and privity. There was no evidence against Hamden, but what Waller had given. Hassel died in prison the night before his trial, and Hamden before judgment was pronounced. Tomkins and Challoner received sentence of death, and were both executed on gibbets erected before their own doors. Their behaviour on this tremendous occasion was decent and proper: They expressed no unworthy fear of death, yet a great, and to appearance a very sincere, remorse for the part they

they had acted; acknowledging, with much humility, to have merited their fate; and that the business they had engaged in might have been productive of very ill consequences *. It appeared, by the dying testimony of these unhappy men, that they had been drawn into this foolish engagement by the flattering assurances Waller had given them, that they would be countenanced by all the house of Lords, except three or four, and divers of the house of Commons. Waller, whose only object was to obtain life on any terms, conducted himself with great address: He counterfeited the utmost remorse of conscience, invited visits from the ruling clergy, received their exhortations with reverence and humility, and pretended to gain from their instructions new lights and clear conviction. These artifices procured him so much favor, as to be allowed to plead his cause in the house of Commons, before he was expelled the assembly in order to receive trial; but, though his speech on this occasion was graceful, eloquent, submissive, and penitent †, and that he artfully urged

* Though the unhappy sufferers had been far from manifesting any zeal or complacency for the cause in which they had engaged, yet Challenor's father very absurdly tender'd to his son, on the point of execution, the king's pardon; which he rejecting with disdain, answered, "Sir, I beseech you, trouble me not with it: pray speak to my friends to take care of my corpse, and carry me home." *Rushworth*, vol. V. p. 327.

† "I shall no sooner leave you, says Waller at the end of his speech, but my life will depend on your breath, and not that alone, but the subsistence of some who are more innocent: I might therefore shew you my children, whom the rigor of your justice would make complete orphans, being already motherless; I might shew you a family

Ann. 1643. the danger the parliament would incur by exposing their members to be tried at other than their own tribunal, and cited examples which, at this time, were of great authority for the contrary practice, viz. the ancient commonwealths, and in particular the Roman, yet the parliament, too sensible of the danger they ran from treachery within doors to countenance treason among themselves, remained inflexible. Waller was expelled the house, tried by a council of war, and condemned to die; but, obtaining a reprieve from the general Essex, got off with a fine of ten thousand pounds, a year's imprisonment, and ba-

wherein there are some unworthy to have their share in that mark of infamy which now threatens me; but something there is, which, if I could shew you, would move you more than all this—it is my heart, which abhors what I have done, and is more severe to itself than the severest judge can be; a heart, Mr. Speaker, so awakened by this affliction, and so entirely devoted to the cause you maintain, that I earnestly desire of God to incline you so to dispose of me, whether for life or death, as may most conduce to the advancement thereof. Sir, not to trouble you any longer, if I die, I shall die praying for you; if I live, I shall live serving you, and render you back the use and employment of those days you shall add to my life.” Waller, in his speech, pleads, That his conduct, previous to this offence, both without and within the house, had been so respectful of the liberties of the people, and privileges of the parliament, that it exempted him from the suspicion of having any fixed malice against either. By privileges of parliament, mentioned on this occasion, Waller must mean that authority which was, at this time, asserted to be the privilege of parliament, and is a contradiction to what Clarendon relates, That, from the time when hostilities commenced between the King and parliament, Waller, tho’ continuing under the power of this assembly, spake with freedom and sharpness against their proceedings. Such a boldness of conduct is likewise incompatible with the extreme timidity of Waller’s disposition. *Clar. Hist.* vol. II. p. 192.

nishment.

nishment. The earl of Portland and the lord Conway Ann. 1643. were confronted with Waller before the committee of safety ; but as he was the only witness against them, and they peremptorily denied every part of his charge, farther prosecution was declined, and the two lords, who had been imprisoned from the first of their accusation, obtained enlargement on bail. The earl of Northumberland likewise underwent examination ; but the accusation against him was too general to found on it any particular charge *. The city received information of all the circumstances of the plot from Mr. Pym, who enlarged on the ill consequences which would have attended it, and recommended strongly the covenant, which, though not imposed by any penalty, excepting loss of pay to the militia, was very generally submitted to, and gave the party great advantage, by becoming a mark

* According to the earl of Portland, he had been pressed by Waller to accuse the earl of Northumberland and the lord Conway, in order to save his own and Waller's life. Clarendon, after relating the circumstances of Waller's meanness, observes, That there could not be a greater evidence of the inestimable value of his parts, than that he lived, after this, in the good affection and esteem of many, the pity of most, and the scorn and contempt of few or none. The same author takes a great deal of pains to prove, that the party, to get the lives of the conspirators, jumbled two different projects into one plot : the one formed by Waller, Tomkins, and Challoner, at London ; and the other by Sir Nicholas Crisp at Oxford, who, having been recorder of London, and imprisoned by the parliament for sedition, had escaped to the King. Granting the assertion, that there were two different projects formed by different people, certain it is, by the authority of unquestionable evidence, with the testimony of the conspirators themselves, they were afterwards both wove into one plot.

Ann. 1643. of distinction to know their friends and their enemies *.

TREACHERY was not confined to the limits of the capital. No sooner was this conspiracy crushed, and the severity of justice inflicted on the ringleaders, than information was given to the Commons of suspicions conceived against Sir John Hotham and his son, that they had entered into a plot to betray Hull to the royalists. Improbable as was the supposition, that, after the King had declared such enmity against Hotham, he would forfeit, by an act of treachery, all merit from the real service he had rendered the parliament, by preserving to them, in a very critical juncture, a place of such importance as Hull, and put himself in the power of a party who could hardly pardon the injury they had received from his conduct, yet it was founded on fact. Hotham, of a nature imperious and vain, had resented, with great acrimony, the superior distinction which had been paid to the lord Fairfax, in nominating him commander in chief over all the northern forces. This had discovered itself on many occasions, to the great interruption of the service; and the parliament, hearing of a disagreement which threatened the public cause, had entertained the design of adding the government of Hull to the command of the lord Fairfax, who, whilst he combated with infinite difficulties and interruptions, had, by an incredible exertion

* Those who refused the covenant were disarmed.

of skill and bravery, protected their party in York-
 shire, and preserved to them some authority in the
 northern parts, in opposition to a great superiority
 of military force. Sir John Hotham having pre-
 vailed over the fidelity of his son, which had been
 proof against a former temptation, young Hotham
 applied himself to the earl of Newcastle; and it was
 agreed between them, that Hull should be delivered
 up to the queen, when she should be on her march
 with her troops to the King. From the time when
 the correspondence commenced between the earl of
 Newcastle and the young Hotham (and this was soon
 after the lord Fairfax was appointed to the supreme
 command of the parliament's forces in the North)
 the garrison of Hull afforded no assistance to his
 army, which obliged him to leave the enemy in pos-
 session of all those parts of Yorkshire, and retire to
 Leeds, in the Western Riding, where his son Sir Tho-
 mas, with a small detachment, lay. Young Hotham
 at length proceeded to such an insolent avowal of his
 discontent, as to order his soldiers to live on free
 quarters on those gentlemen who were well-affected
 to the parliament; and on being questioned for this
 conduct by the lord Grey and Oliver Cromwell, two
 colonels in the parliament's service, he turned his
 cannon against Cromwell, and offered to draw out
 his regiment and fight that of the lord Grey. The
 committee of safety at London being informed of
 these transactions, sent down an order for the im-
 prisoning Hotham in the castle of Nottingham: this
 was executed by Sir John Meldrum; but Hotham
 found means to escape to Lincoln, from whence, af-
 ter

Fairfax's
 Memoirs, oct.
 ed. p. 22,
 & seq.

Ann. 1643.

Ann. 1643.

ter writing to the parliament, and pretending he had been injured, and was ready to answer any charge which should be laid against him, he went to Hull to assist his father in the delivering up that town to the queen; who thought herself so sure of it, as to write, in a letter to the King, that she staid at Newark to have Hull and Lincoln, for which she hoped he would pardon two days stop. From the time when the parliament had received notice of the suspicions entertained against the two Hothams, they had appointed a committee to watch over the security of Hull, who received, from the captain of a man of war then in the road, intelligence that Hull was, that night or the next, to be delivered up to the King. The committee, of which were the mayor of Hull and Sir Matthew Bainton (brother-in-law to Sir John Hotham) determined to prevent it, by securing both father and son. Whilst the two Hothams were in bed, the townsmen, officers, and soldiers, well-affected to the parliament, assembled without noise, and seized all the ports of the town. The Hothams found means to escape, but were taken at Beverly, and sent up prisoners to London. The plot to deliver up Hull was not very clearly proved against either of them; but the parliament, for obvious reasons, were very severe against treachery; and the two Hothams, after long confinement and frequent examinations, were both executed for corresponding with the enemy, and for treachery in divers particulars *.

* The following were the heads of Sir John Hotham's charge: compliance with the lord Digby, the earl of Newcastle, and others of that party; the refusal of supply and ammunition to the lord Fairfax; scandalous

THE royalists, triumphant in every engagement, Ann. 1643. had fairly driven the adversary from the field ; whilst

dalous words against the parliament ; an endeavour to betray Hull to the enemy ; correspondence with the queen ; and seeking an escape. The principal part of young Hotham's charge was the betraying a regiment of horse to the enemy. Both houses were equally inexorable in regard to the younger Hotham, who had been more open and more arrogant in his conduct than his father, whom the Lords so far favored, as to send, on their own authority, an order to reprieve, when going to his execution : The Commons, resenting that the Lords should assume such power, voted, That no officer should stay the execution of justice by any order of either house, without the concurrence of both ; and directed the lieutenant of the Tower to proceed to execution. Sir John Hotham having procured a motion to be made in the lower house for his pardon, it was enough regarded to occasion a debate ; and he had the mortification to spend some hours on the scaffold, previous to his execution, in the anxiety of suspense.—Whitlock observes, That his rough carriage, especially to his inferiors, and his very narrow way of living, with the betraying of his trust, rendered him so distasteful to all sorts of people, that his masters, for whom he had done such service, cast him off ; his soldiers chased him from them ; his brother-in-law supplanted him, and sent him and his wife and children prisoners to the parliament.—The following remarks were made by the King on the death of this martyr to his cause : “ I cannot but observe how God, not long after, so pleaded and avenged my cause, in the eye of the world, that the most wilfully blind cannot avoid the displeasure to see it, and with some remorse and fear to own it, as a notable stroke and prediction of divine vengeance ; for Sir John Hotham, unapproached, unthreatened, uncursed, by any language or secret imprecation of mine, only blasted with the conscience of his own wickedness, and falling from one inconstancy to another, paid his own and his eldest son's head, as forfeitures of their disloyalty, to those men from whom surely he might have expected another reward than thus to divide their heads from their bodies, whose hearts with them were divided from their King : nor did a solitary vengeance serve the turn ; the cutting off one head in a family is not enough to expiate the affront done to the head of the commonweal ; the eldest son must be involved in the punishment, as

Ann. 1643. the parliament had not only to defend themselves against the power of their victorious arms, but to guard against the combinations of domestic enemies, who, ambitious of having some share in the restoration of the King's fortune, as his success encreased

he was infected with the sin, of the father against the father of his country; root and branch God cuts off in one day. That which makes me more pity Sir John Hotham, continued the King, is, that after he began to have some inclination towards a repentance for his sin, and reparation of his duty to me, he should be so unhappy as to fall into the hands of their justice, and not of my mercy.—Poor gentleman! he is now become a notable monument of unprosperous disloyalty, teaching the world, by so sad and unfortunate a spectacle, that the rude carriage of a subject towards his sovereign carries always its own vengeance, as an inseparable shadow, with it.”

“What thanks, observes Milton on these royal remarks, Sir John Hotham had from the King for revolting to his cause, and what good opinion for dying in his service, they who have ventured like him, or intend, may here take notice.”—“Most men are too apt, says the same author, and commonly the worst of men, so to interpret and expound the judgments of God, and all other events of providence or chance, as makes most to the justifying their own cause, though never so evil, and attribute all to the particular favour of God towards them: Thus, when Saul heard that David was in Keilah, “God, saith he, hath delivered him into my hands, for he is shut in;” but how far that king was deceived in his thought that God favoured his cause, that story unfolds, and how little reason this King had to impute the death of Hotham to God's avengement of his repulse at Hull, may be easily seen; for, while Hotham continued faithful to his trust, no man more safe, more successful, more in reputation, than he; but from the time he first sought to make his peace with the King, and to betray into his hands that town into which before he had denied him entrance, nothing prospered with him: certainly, had God intended him such an end for his opposition to the King, he would not have deferred to punish him till when, of an enemy, he was changed to be the King's friend, nor have made his repentance and amendment the occasion of his ruin.” *Eikon Basilike, Eiconoclastes.*

grew

grew more active and turbulent. Charles, elevated Ann. 1643. to a high degree at the promising appearance his affairs carried, flung off, without reserve, that mask of moderation with which the necessity of his affairs had obliged him to veil his pretensions: A proclamation was set forth, accusing both houses of treason, on the statute of the twenty-fifth of Edward the Third, and forbidding obedience to them as a parliament. At the same time a pardon was offered to all but five members of the upper house, and thirteen of the lower house *, with an invitation to repair to the King at Oxford. This act of presumption may be justly termed the critical incident which preserved the cause of Liberty, when on the brink of destruction.

OF that numerous train of gentry and nobility whom pique, prejudice, and affections of a yet baser kind, had occasioned to follow the King's fortunes, some few there were in whom the spirit of Liberty was not totally extinct; and in the fond hope alone that Charles's misfortunes had amended his judgment and corrected his inclinations, did they venture life and property to support his authority. The low condition of the royalists, at the commencement of

* The unfortunate skirmish in which Mr. Hamden perished was of an after-date to the successes in the North and West; he is among the excepted members of the Commons' house, of whom the following is a list: The earls of Essex, Warwic, Manchester, and Stamford; viscount Say and Seal; Sir John Hotham, Sir Arthur Hazlerig, Sir Henry Ludlow, Sir Edward Hungerford, and Sir Francis Popham; Nathaniel Fiennes, John Hamden, John Pym, William Stroud, Henry Martyn, Alexander Popham, Isaac Pennington, and Venn.

Ann. 1643.

Jealousy of
the King's
partizans.

the war, had obliged the court to contain itself in the strictest limits of caution and moderation; but no sooner had such success attended that moderation, as to flatter the King with a prospect of victory, than, assuming the haughtiness natural to his character, and which it was ever difficult for him to conceal, he talked and acted in an absolute strain: His condescension to the unreasonable pretensions and brutal manners of his nephew, prince Rupert, has been already mentioned; his entertainment of some of the most notorious of the Irish rebels at his court at Oxford gave great disgust. The sentiments which were now publicly avowed by the greater number of his followers, and which he himself hints in his treaty with the parliament, viz. that more than a constitutional power ought to be vested in the crown, so staggered the zeal of the few thinking individuals of his party, that they began to recollect this very obvious truth, that the army by which the King conquered his enemies would have as little reason to triumph as the army which was beaten, seeing they would equally lose both honor and Liberty. The parliament, notwithstanding the severities it had threatened to all those who had opposed it, was, for these reasons, regarded, by the honest and sensible, as a very proper check on the King's designs; and that both parties should be reduced to treat on equal terms, was their ultimate wish. The earl of Dorset, in a spirited manner, reprehended the earl of Bristol for the unconstitutional language he had used in council; strongly enforced the many advantages which were on the side of the parliament; and recommended,

mended, That his majesty should be desired to take Ann. 1643. some present order for a treaty of peace: "The parliament, if doubts and jealousies were taken away, he said, would never endeavour to infringe the King's just prerogatives; that they had only declared such delinquents as they had conjectured had mis-counselled his majesty, and were the authors of tumults in the commonwealth*; but that this declaration, except such crimes could be proved against them, was of no validity; the parliament would do nothing unjustly, nor condemn the innocent." Such was the style of some of the King's followers before the treaty commenced; but the inclinations he had discovered in the conduct of that treaty, and his proclamation declaring the parliament to be no parliament, effectually convinced these moderate men that there was a necessity to interrupt the progress of his victories.

HAD the King marched to London immediately after the defeat of Sir William Waller in the West, the lord Fairfax in the North, and the surrender of Bristol; when there was no army extant in a condition to oppose him; when jarring faction divided the opinion, and weakened the authority, of parliament; when his party, active and zealous in his cause, flushed with the prospect of success, and yet unawed by punishment, might have raised within the city a powerful combination in his favor; he would, in all probability, have been crowned with an absolute victory:

* The lord Digby, son to the earl of Bristol, was particularly charged with this.

but

Ann. 1643. but this, with almost equal horror, was as much dreaded by several of his adherents as his enemies *.

* That the King's friends had many of them as great apprehensions of this event as his enemies is seen by their conduct, and by the following passages, collected out of two letters published in the Sidney Papers, and written by the earl of Sunderland to his wife, a nobleman who lost his life in the King's service: "The King's condition is much improved of late; his force encreaseth daily, which encreaseth the insolency of the Papists; how much I am unsatisfied with the proceedings here, I have at large expressed in several letters; if there could be an expedient found to save the punctilio of honor, I would not continue here one hour: The discontent which I and other honest men receive daily is beyond expression; the King is of late very much averse to peace, by the persuasions of 202 and 111. It is likewise conceived, that the King has taken a resolution not to do any thing in that way before the queen comes; for people advising the King to agree with the parliament was the occasion of the queen's return; till that time no advice will be received: Nevertheless, the honest men will take all occasions to procure an accommodation, which the King, when he sent those messages, did heartily desire, and would still make offers in that way but for 202 and 111, and the expectation of the queen, and the fear of the Papists, who threaten people of 342: I fear the Papists threats have a much greater influence upon the King than upon 343. If the King, or rather the Papists, prevail, we are in a sad condition, for they will be insupportable to all, but mostly to us who have opposed them, so that if the King prevails by force I must not live at home; I apprehend I shall not be suffered to live in England, and yet I cannot fancy any way to avoid both, for the King is so awed by the Papists that he dares not propose peace, or accept; but if that be offered by the parliament, I and others will speak their opinion, though by that concerning the treaty we were threatened by the Papists, who caused 99 to be commanded by the King, upon his allegiance, to return against his will, he being too powerful for 102 and 111, by whom England is now likely to be governed. I hear Leicester has refused to shew his instructions to the parliament without the King's leave, which resolution I hope he will not alter, lest it should be prejudicial to him; for the King is in so good a condition at this time, that if the parliament would restore all his right, unless they will deliver up

In a council of war which the King called to deliberate on the plan of his succeeding operations, it was plausibly urged, That the possession of Gloucester would subject to his command the whole course of the Severn; that it would open a communication from Bristol to Shrewsbury, and from thence to the North, by the means of Lancashire, and so entirely secure to him the possession of Wales; that troops and contributions might be drawn thence to recruit his army; that the trade of Bristol would, by supplying his garrisons of Worcester and Shrewsbury, be so advanced as to produce from its customs and duty a large revenue*; that great sums might be exacted from the yeomanry of the county of Gloucester, who were rich, and able to redeem their delinquency at a high price; that it was the only garrison the parliament had of importance in these parts; and thus the King would be possessed of an entire and glorious part of his kingdom, to contend with the rest. These arguments not being thought, by the majority of the council, weighty enough to sacrifice the King's great expectations to the event of a doubtful siege, it was privately, and with better success, urged, That Essex and the moderate party might be again driven to a desperate resolution, if the King should attempt to re-enter London by force of arms; that he could ha-

up to a legal trial all those persons named in his long —, and some others, he will not hearken to peace." *Sydney's State Papers*, vol. II. p. 667, & seq.

* The King had again claimed and exacted the customs, as his natural and hereditary right. *Rushworth*.

zard

Ann. 1643.

Siege of
Gloucester.

zard nothing by attempting Gloucester; and that the despondency of the parliament, with the distractions their divisions occasioned, was so great, that before the siege could be ended, they must be reduced to offer him his own terms. With this representation of the state of affairs it was pretended, That Massey, the governor of Gloucester *, had given secret intimation, that it would not stand with his conscience to fight against the person of the King; and therefore if the King himself, with his army, should summon the town, he would not make any defence; and that, in this case, he should be able to persuade those in the town to a like resolution. This was the snare which entrapped the King, who was very ready to imagine that men committed a violence on their consciences when they entered into contest with regal authority. Prince Maurice and the earl of Caernarvon were dispatched with the Cornish army to make a total reduction of the West, whilst the King, with six thousand foot, and a far greater number of horse, appeared, on the tenth of August, before the city of Gloucester: The summons to surrender allowed two hours for an answer; but, long before the expiration of that time, the enemy returned one which shewed men determined to withstand all extremities; and, as a proof of their sincerity, before any motion was made by the royalists, they set all the suburbs of

* It is asserted by Clarendon, That Massey had been at York, with inclination to serve the King; but, not having the prospect of preferment equal to his desires, went to London, where, as this author observes, there were more money and fewer officers. *Clar. Hist.* vol. II. p. 242.

their

their city, in which were many large and fair buildings well inhabited, on fire. Indignity at this disappointment now prompted the King to pursue what he had been drawn in to undertake; nor were persuasions neglected to confirm the resolution: The town, it was alleged, was very ill provided with provision and ammunition; its strongest defence was an old stone wall, too crazy to resist any force of battery; the destruction of the suburbs had raised so strong a party of malcontents, that, on the first attack, the garrison would be enforced to yield; the parliament had no army, nor was likely to form one strong enough to relieve the town, and, even if they had one, it was better to fight at such a distance from London, where his majesty was well supplied with whatever he wanted, could choose his own ground, and where his superior body of horse could be able to defeat any forces brought against them. The King's ill fate was at this time so prevalent, that, notwithstanding the earnest solicitations of the queen (never but in this particular instance resisted) the siege of the city of Gloucester was regularly undertaken. Ann. 1643.

To return to the transactions of the capital. The Lords, who, previous to Sir William Waller's defeat, had made a motion to the Commons for another petition to the King for peace, were something alarmed at the receipt of the proclamation annulling their authority: They resolved, That they were bound, in duty to the established government of the kingdom, to defend the present parliament with their lives and fortunes; and that a declaration should be made to

Ann. 1643.

that purpose to the kingdom, inviting all Englishmen to join them, with an assurance that they would receive all into their protection but persons to be excepted in the declaration, and who should appear to be the contrivers of these destructive counsels. The Commons, in a conference on the subject, hint a doubt of the reality of the Lords' good intentions, who, on this critical juncture, did not agree to several necessary proposals they had made them.

At this period came out a very ostentatious paper, addressed to the people, and published by the King, in which, after magnifying his successes, and assuming the particular protection of God; after, in general and unmeaning terms, giving assurances of his good intentions towards the Liberty of the people; after inveighing bitterly against the conduct of the parliament; he offered pardon for all that was past to their followers, provided they would redeem their past crimes by using their utmost endeavors to reduce to obedience all those who should continue to bear arms against him; and exhorted a vigorous endeavor to put an end to the war, by contributing men, money, plate, horses, and arms, to his aid. The ill success which the popular party had met with had not so quelled their courage as to accept, on terms thus destructive, the arrogant mercy of the King: rather animated than subdued with the prospect of danger, a petition, signed by a large number of citizens, for raising every individual of the party at once, was presented to the Commons. As the petition had named the committee who were to manage the business, a warm debate ensued:

fued: Those among them who were willing to give Ann. 1643. interruption to the zeal of the citizens, insisted much on the irregularity of this circumstance; but, in consideration of the invincible necessity of the kingdom, it was passed over by the majority, with a salvo to preserve the privilege of parliament. A committee, as nominated in the petition, was appointed to sit at Merchant-Taylors Hall in the city, and new subscriptions were opened for receiving money, ammunition, horses, and persons, without distinction. Orders and ordinances passed for raising horses and men in all the southern parts of the kingdom; and the committee of the London militia, the deputy-lieutenants, and the committees of parliament in the several counties, were impowered to enlist men; the refusers to be committed to prison, or to pay a fine of ten pounds. The earl of Manchester was appointed, by a vote of both houses, serjeant-major-general of the forces to be raised in the associated counties of Norfolk, Suffolk, Essex, Cambridge, Hertford, and Huntingdon; and Sir William Waller, who was now returned to London, and had represented his conduct, and the circumstances which occasioned his defeat, in a light which exculpated himself, and flung the whole odium on Essex, was, at the desire of the subscribers, voted commander in chief of the city militia; and a new vow and covenant for the defence of the cities of London and Westminster, and the borough of Southwark, were taken by all ranks of people. Eight thousand foot and dragoons, and two thousand horse, were to be raised in the associated counties: As the means were compulsive, it afforded an opportunity

Ann. 1643.

for the King's party in Kent to make an insurrection, which was quickly suppressed, and the ringleaders sent up prisoners to London. The care of the Tower was invested in the lord-mayor and sheriffs, Sir John Coniers having demanded leave to go with his family abroad. A Danish vessel, laden with arms and ammunition for the King, was, about this time, seized in the river Thames, and the arms sent down to the Isle of Ely, of which place Oliver Cromwell, a colonel in the service, had been lately appointed governor.

SPIRITED as were these measures of the parliament and city, the Lords, on the news of the surrender of Bristol, were struck with such a panic, that, desiring an immediate conference with the Commons, they declared to them, That they were resolved to send the following propositions to the King: " That both armies might be immediately disbanded, and his majesty entreated to return to his parliament, upon such security as should give him satisfaction: That religion might be settled, with the advice of a synod of divines, in such a manner as his majesty, with the consent of parliament, should appoint: That the naval and land militia might be settled by a bill, and the militia, forts, and ships of the kingdom put into such hands as the King should nominate, with the approbation of both houses of parliament; and his majesty's revenue to be absolutely and wholly restored to him, only deducting such part as had been of necessity expended for the maintenance of his children: That all the members of both houses, who had been expelled only for absenting themselves, or mere compliance with

with his majesty, and no other matter of fact against Ann. 1643. them, might be restored to their places: That all delinquents, from before the tenth of January 1641, should be delivered up to the justice of parliament, and a general pardon for all others on both sides: That there might be an act of oblivion for all by-gone deeds and acts of hostility."—On the report of this conference in the lower house, it was urged by the sensible part of the assembly, That it would be absurd and dangerous to enter into a treaty in the present circumstances; that they had received much prejudice by the Oxford treaty, and must now expect, in the low condition of their affairs, to receive more*; that the King having declared them no parliament, they could not treat in any safe capacity; that the

* The justness of this argument cannot be better shewn than in Clarendon's observation on these propositions: "Without doubt if they had been sent, says he, which, if the power had been in the two houses, they would, a firm peace had ensued; for, besides that, if a treaty and cessation in that conjuncture had been entered on, no extravagant demands would have been pressed, only a security for those who had been faulty, which the King would gladly have granted, and most religiously observed, the fourth proposition, and consent to restore all members to their places, would have prevented the kindling any more fire in those houses." This is to say, that after all the blood and treasure which the party devoted to Liberty had spent in the cause, their leaders, exposed to penalty by the strict letter of the law, would have been secured from punishment by the King's gracious condescension, and their enemies exalted to the highest honors and dignities of the state—circumstances which would have sufficiently vindicated the cause of tyranny; whilst the King, in the absolute possession of the most noxious prerogatives of the crown, would have had the assistance of a parliament to confirm and legitimate the despotism supposed to be inherent to monarchy. *Clar. Hist.* vol. II. p. 247.

king-

Ann. 1643.

kingdom of Scotland, on their request, was preparing to assist them with all brotherly affection and forwardness; and, after such a discovery of their intentions, to treat for peace without their privity was to betray them, and to forfeit all hopes of hereafter relief; that the city of London and adjacent counties had expressed all imaginable readiness to raise forces for Sir William Waller, which would enable the earl of Essex speedily to march, with a better army than he had ever commanded, to give the King battle; that any discourse of peace would extinguish the zeal which was now flaming in the hearts of the people; and therefore the propositions tendered by the Lords should not be even taken into consideration. Powerful as were these arguments, the King's partizans in the house *, with a number whom fear had reconciled to peace on any conditions, after a warm debate, which lasted till ten o'clock at night, formed a majority of ninety-four against sixty-nine for taking the propositions into consideration; and, on a second division, it was carried to assent to what concerned the King's revenue in the propositions, and to take the rest into farther consideration. The Sunday intervening before the time appointed for this debate, the popular leaders had leisure to take the measures necessary for the ill they expected: A common-council was called by Pennington, the lord-mayor, which assembly drew up a petition against the Lords' propositions for peace, and an ordinance prescribing the most effectual manner of carrying on the war. The

Petitions for
and against
peace.

* Clarendon says there were many of these.

petition was presented to the house by a select number of aldermen and common-council, who were attended by so numerous a train of petitioners, that the Lords, desiring an immediate conference with the Commons, told them, That they must adjourn their house, and would continue so to do, if tumults were not suppressed; whilst Mr. Hollis, to abate the spirit of the party, produced in the house a letter from the general Essex, informing them, that the King's forces had taken Dorchester and Weymouth. This was so far from producing the designed effect, that the Commons, after having returned the petitioners thanks for their petition and advice, rejected the propositions for peace by a majority of eighty-eight against eighty-one.

DURING these transactions, the King's party in the city, terrified by the execution of Tomkins and Chalonier, had remained quiet; but now, exasperated at the ill success of the Lords' intentions, and the spirit which appeared against treating on such terms with the King, and encouraged by the civility with which a female petition had been on a different occasion entertained, spirited up some of the lower sort of women to clamor for peace: A petition on this subject was accordingly, on the ninth of August, presented to the Commons by two or three thousand women, with white silk ribbons in their hats. The house had the complaisance, after giving it a reading, to appoint a committee to wait on the petitioners, to assure them of the earnest desire of the house for peace, and that

A female
tumult.

Ann. 1643.

that they did not doubt, in a short time, to answer the end of their petition. This general, though very civil answer was far from satisfying: The number of females which crouded round and up to the doors of the house, and of men disguised in womens cloaths, were by noon encreased to five thousand, crying out in a tumultuous manner, "Peace! peace! give us those traitors who are against peace, that we may tear them to pieces! give us that dog Pym!" The trained bands, who stood centinel at the doors of the house, attempted to quell the rioters by a discharge of powder; but this only exciting their derision and a farther boldness, which proceeded to driving away the centinels with brickbats, the house, in their own defence, was obliged to send for a troop of horse, who, after endeavoring in vain by fair words to appease these amazons, drew their swords, but could not disperse them till they had flashed several over the hands and faces; a ballad-singer was killed on the spot, and another woman wounded in a manner which occasioned her death *. The Lords continued

* The partiality of a partizan cannot be more strikingly obvious than in Clarendon's account of this female tumult: "The women, says he, expressed greater courage than the men; and, having a precedent of a rabble of that sex appearing in the beginning of these distractions, with a petition to the house of Commons to foment the divisions, with acceptance and approbation, a great multitude of the wives of substantial citizens came to the lower house with a petition for peace: Thereupon a troop of horse, under the command of one Hervey, a decayed silkman, was sent for, who behaved with such inhumanity, that they charged among the silly women, as an enemy worthy of their courage, and killed and wounded many of them." The civility with
which

to importune the Commons on the subject of tumults: Ann. 1643.
 The Commons recommended to the lord-mayor to take some course to prevent them, appointed a committee to prepare reasons to satisfy the Lords on their refusal to assent to the propositions, and to intreat them not to desert the defence of the kingdom at this time, for the Commons would do their utmost in the defence of the Lords, as much as for themselves.

THESE friendly assurances prevailed so far as to prevent the desperate measure of an adjournment, in this peril of the commonwealth. But the earls of Northumberland, Bedford, Clare, Holland, and Portland, with the lords Lovelace and Conway, who had long eyed, with an envious aspect, the increase of popular privileges, and the power the lower house had gained by the vast abilities, resolution, and persevering spirit of its members, agreed to put themselves under the protection of the earl of Essex, whose discontents they were acquainted with, and with whom they had long held a secret correspondence. They were to have declared a want of free-

which the petitioners were treated by the house of Commons, with the provocations which excited these acts of inhumanity, are concealed by the historian, and the necessity of quelling a tumult which was only designed by the party as a prelude to a more formidable insurrection. If the rank of those hurt and killed in the fray, with other concealed circumstances, had been weighed, it must have appeared, from the very different behaviour of the petitioners, that the historian's assertion was absolutely false; that these were a rabble of the lowest of the sex, unconducted by any person of decent carriage; and the others the wives of creditable and substantial citizens.

Ann. 1643.

dom in debate, to have protested against the violence which had been offered, and the breach of their privileges by the common-council's taking notice of their consultations, and, by the means of the army, have forced the two houses to consent to such an agreement, says Clarendon, as the King would well have approved. The earl of Essex had, from the coldness and insufficiency of his conduct, long lain under the censure of the whole party, and the great displeasure of the Commons, who, if Sir William Waller had been victorious in his western expedition, would certainly have displaced Essex, and appointed Waller their general in chief. On the assurances this latter had given, no expence had been spared to make him successful, whilst the applications of Essex, to whom alone could be imputed the extreme difficulties under which the two houses labored, were treated with neglect; they had little reason to hasten the recruiting an army which had done such inconsiderable service, and which had put them to an enormous expence; but the death of Hamden, and Waller's defeat, entirely disconcerted their intended measures: They could not, in the present critical situation of their affairs, hazard so bold a stroke as the removal of Essex, who, resenting the loss of his influence, not only held a strict correspondence with those of the two houses who had shewn the most discontent at the councils which prevailed, and had been the most clamorous for an accommodation, but wrote a letter to the parliament, advising a treaty with the King; at the same time plying them with complaints of ill usage, and pressing them for reparation, and vindication

cation of his honor from aspersions which had been Ann. 1643.
cast upon it: He demanded, that a parliamentary
enquiry should be made into the conduct of their forces
in the West, and sent up the terms upon which he
was willing to keep the army together. The conduct
of the party, in regard to the management of Essex,
was a master-piece of policy: After shewing him, by
making the earl of Manchester general of the asso-
ciated counties, where their chief forces lay, and
to which they had now added Lincoln, and raising a
reinforcement to serve under Sir William Waller, that
they had other generals to trust to, they sent a com-
mittee of both houses to him to appease his discon-
tent, and endeavor to recover his former good affec-
tions. These, after flattering his vanity by telling
him that the parliament had an high opinion of his
past services, after soothing his discontent by pro-
mising punishment to his libellers, and, from the
full testimony of the confidence placed in him by
both houses, ample vindication for the calumnies
which had been raised against him, represented the
desperateness of his condition, should the King pre-
vail by force of arms; the little countenance which
the adherers to the power of parliament would have
from government, should the two houses be forced
into a peace on unfavorable conditions; and that,
from motives of state-policy, the envy of particular
friends and adherents, with the haughtiness of the
King's disposition, little favor could be expected by
those who had opposed him with arms, even if, by
a breach of confidence, they should desert their party,
and hasten the progress of his conquests. With these

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representations were mixed others of a different nature; viz. that the public would make a grateful return of respect and honor for benefits received, whereas little could be expected from serving a prince whose pride of temper occasioned him to look upon obligations of the highest nature as acts of mere duty from a subject to his sovereign, and that the honor of being engaged in his service was of itself a sufficient reward; and whose extravagant idea of the superiority and privileges annexed to the rank of princes was such, that no subject, however powerful or useful to his interest, could expect other than to be mortified by a behaviour superciliously insolent. The different treatment to be expected from the parliament and the court, was specially marked by comparing the personal respect which Essex had met with from the two houses, and the rank he held in the kingdom, with that the marquis of Hertford had received on the differences which had happened between him and the two princes, and the mortifications all the English nobility daily met with from the unrestrained insolence of prince Rupert's behaviour. These arguments, with a promise that cloaths should be provided, arrears paid, and his army recruited before the other regiments were complete, were more than sufficient to settle the discontents, and reform the conduct of Essex: The change of whose inclinations not only frustrated the design of the fore-mentioned noblemen, but the fear that he should discover their treacherous overtures occasioned them to abandon the town, and seek for protection in the King's quarters.

Essex

Essex now prepared himself to serve with sincerity the parliament: His army was recruited in the space of fifteen days, and, on the twenty-ninth of August, at the head of fourteen thousand men, he began his march from Aylesbury, to raise the siege of Gloucester. Maffey, who had under his command fifteen hundred regular troops, besides citizens devoted to the service, made so brave a resistance, and, by repeated successful sallies, so quelled the courage of the enemy, that the King, with the loss of an infinite number of men and horses, after having lain twenty-six days before the town, had made no impression on it. On the news of Essex's motion, prince Rupert was dispatched with the horse to harass him in his march: Essex advanced with a steady intrepidity, and over an open champaign country, near thirty miles in length, by the force of military skill, conduct, and discipline, though much inferior in cavalry, defended himself from the enemies' horse, who, on his approach to Gloucester, after having made an ineffectual attack, raised the siege *. With the want of provision and all necessaries, one barrel of powder was the whole stock of ammunition remaining in the garrison; but their deliverer reple-

Ann. 1643.
Gloucester
relieved.

* The King, on hearing of the enemies' swift advance towards the relief of Gloucester, endeavored to amuse them with propositions to be treated on; but the general Essex returned to the messenger an immediate answer, That he had no commission to treat, but to relieve Gloucester, which he was resolved to do, or to lose his life there. His soldiers, on hearing that a trumpeter was come with propositions to treat, cried out with repeated acclamations, "No propositions! no propositions!" *Whitlock*, p. 69.

Ann. 1643.

nished their military stores, and supplied plentifully with provisions the town and his own army from those places where the King's had been in want of all things, the inhabitants having carefully concealed their store from the royalists, and preserved it for that party whose cause they favored.

AFTER the relief of Gloucester, Essex retired to Tewksbury ; and whilst, by a military feint, he made the King believe his intention was to march to Worcester, he took another road, and, by the favor of a dark night, surpris'd Cirencester, with three hundred of the King's troops, his magazine, and a convoy of provisions which lay in the town. By the north parts of Wiltshire, where the enemies' horse could act to the least advantage, Essex directed his course to the capital : The main body of his army reached Hungerford in safety ; but, after having lost many in the rear by the activity of the enemies' horse, he had the mortification to find, on his approach to Newberry, that the King had, by hasty marches, arrived before him, and was in possession of the town. Great were the advantages now on the side of the King : A good town in his own quarters, situated on an eminence, to refresh his tired army, his garrison of Wallingford near at hand, and Oxford within distance of affording every supply which was wanted ; whilst the enemy, tired with long marches, and harrassed with continual attacks, having no other lodging than the field, nor means of supply of any sort, must at all hazards force their way through the enemy. Essex had formed his army to great advantage on a hill within

within a mile of the town, when the King's troops, who, notwithstanding their having been foiled at Gloucester, conceived an irrational contempt of the enemy, foregoing all their superiorities, began the attack. Essex on this occasion displayed the skill of a good general, and performed the duty of an inferior officer: With a brigade of horse and his own regiment he led on the battle; and, whilst his cavalry was several times broken by the King's, his infantry, maintaining themselves in firm array, continued a constant fire; and as the horse, according to orders, retired between their ranks, presented their pikes to the enemies' cavalry, and shelter to their own whilst they rallied behind them. The fight, carried on in this manner, continued till night put an end to the action, and left the victory, after the loss of a thousand men on each side, undecided; but the event shewed the advantages to be on the side of Essex, who, after the battle of Newberry, proceeded with very little loss or interruption to Reading, and from thence to London; but was guilty of an unpardonable omission in leaving this town to the possession of the King, who followed him close at the heel, and who, by re-establishing a garrison at Reading, frightened London and the parliament's quarters *.----In this battle, which lasted from six o'clock in the morning till night, the London militia, though formed of apprentices and tradesmen, utterly unacquainted with action, especially signalized themselves, displaying a courage as cool

* "We were not, says Ludlow, arrived to the time to make the most of our advantages."

and

Ann. 1643. and steady as could have been expected from the most veteran forces.

Death and
character of
lord Falk-
land.

WITH the earls of Sunderland and Caernarvon, the King had the misfortune to lose the nobleman whose adherence did the most honor to his cause; this was Lucius Cary, viscount Falkland, a man whom all his contemporaries agree to have been possessed of good abilities, great quickness of parts, and of manners virtuous and amiable. The father of this nobleman had filled the office of deputy of Ireland before the advancement of Strafford; and though he had, by this earl's means, received personal displeasure from the court, yet his son, who had himself on some frivolous occasion, when a raw youth, suffered an imprisonment in the Fleet, was of the privy-chamber in the year 1633, and was so zealous against the Scots, that, though refused a command of a troop of horse, he served as a volunteer under the earl of Essex in the expedition of 1639. Being elected a member of the short parliament of 1640, he became, from the strength of facts and arguments urged against the King's administration, an advocate for the popular cause; and, in the beginning of the succeeding parliament, ranged himself among the fiercest of its adversaries. Whilst the actions and designs of the patriot members were bound within the strict letter of the law, or that Falkland imagined them so authorised, he adhered steadily to the popular interest*;

* Clarendon has the following curious observation on lord Falkland's opposition to the court: "For he was so rigid an observer of established laws and rules, that he could not endure the least breach or deviation

but when the attacks on regal power grew to the Ann. 1643. reforming and strengthening laws which, by experience, had been found not strong enough to restrain it from usurpations, he chose to defend the prerogatives which had overturned it, only because they were established by precedent. Thus the virtue of Falkland taught him a lesson little useful to the defence of man, and totally opposite to the principle of reformation; viz. That Custom gives not only a legal, but a sacred and perpetual, establishment to tyranny. When the duplicity of the King's conduct, with the acts of violence he had attempted, had so debased his character, and rendered him so unpopular, as to make it disgraceful to an honest man, and dangerous for any man, to enlist in his service, the virtue of Falkland occasioned him to accept of the employment of secretary of state, lest the refusal should bring some blemish on the King's affairs, and lest the world should imagine he feared the delicate nature of his conscience would receive violence in performing the functions of that office *. After voting for the re-

deviation from them; this made him so severe against the lord Finch and earl of Strafford, contrary to his natural gentleness of temper: But, in both cases, he was only mis-led by the authority of those whom he believed understood the laws perfectly, of which he himself was perfectly ignorant." Was severity against Finch and Strafford incompatible with sweetness and gentleness of temper? Does not the historian in a manner justify these two notorious offenders, and insinuate that they were only guilty of trifling breaches of law? *Clar. Hist.* vol. II. p. 272.

* Though Falkland's panegyrist, the lord Clarendon, has taken great pains to shew that this preferment was reluctant to his inclination, yet, at the same time, he allows that he had been solicitous for office. *Clar. Hist.* vol. II. p. 273.

Ann. 1643.

Rushworth,
vol. IV.
p. 184, & seq.

moval of bishops from their seats in parliament, the virtue of Falkland, enlightened by Mr. Hyde, opposed with violence the extirpation of an order of men who had, in his opinion, been the principal cause of oppression both in Religion and Liberty; who had been the destruction of unity, under the pretence of uniformity; who had brought in superstition and scandal, under the titles of reverence and decency; who had defiled the church by adorning the churches; who had slackened the union between the church of England and the other reformed churches; who had tithed mint and anise, and left undone the weightier matters of the law; who had been less severe on those who damned our church, than on those who, upon weak conscience, had abstained from it*; who had resembled the dog in the manger, neither preached themselves, nor employed those who should, nor suffered those who would; who had brought in catechising only to thrust out preaching, and cried down lectures by the name of faction; who had industri-

* In this speech it was asserted, That, whilst masses had been said in security, a conventicle had been a crime; that the conforming to ceremonies had been more exact than the conforming to Christianity; and that whilst men for scruples had been undone, attempts on the most execrable acts of debauchery had been only admonished; that the most frequent subjects, in the most sacred auditories, had been the *jus divinum* of bishops and tythes, the sacredness of the clergy, the sacrilege of impropriations, the demolishing of Puritanism and property, the building the prerogative at Paul's, and the introduction of such doctrines as, admitting them true, the truth would not recompence the scandal, or such as was so far false that, like the Casuists, their business was not to keep men from sinning; but to confirm them. *Rushworth*, vol. IV. p. 184.

ously labored to deduce themselves from Rome, and Ann. 1643. had given great suspicion that in gratitude they desired to return thither, or at least to meet it half way; who had evidently labored to bring in an English, though not a Roman popery, that is, the outside and dress of it, but equally absolute, a blind dependance of the people upon the clergy, and the clergy upon themselves; who had both written, preached, plotted, and acted against our liberties; who had labored to exclude both all persons and all causes of the clergy from the ordinary jurisdiction of the temporal magistrate, and, by hindering prohibitions, to take away the only legal bound to their arbitrary power; who had kindled and blown the common fire of both nations, and had been the almost sole abettors of my lord of Strafford. The faults of the individuals of this order, according to the opinion of Falkland, proceeded from the nature of the order itself: Yet it was to be preserved, for no better reason than because it was possible for a bishop to be a good man. When civil contention proceeded to extremity, when King and parliament, rather than relinquish their several views and pretensions, were determined to engage the nation in a civil war, the virtue of Falkland occasioned him to add weight to that side whose weakness must, but from such support, have prevented from disturbing the public peace, and thus, by assisting in balancing the strength of parties, be in some measure the author of those bloody calamities which so long afflicted his country. To oppose a party whom, it was supposed, actuated by ambitious views, sought to innovate the constitution, the virtue of Falkland

Ann, 1643.

excited him to attempt the full restoration of an authority from which, in his opinion, many grievances had flowed; and, instead of adhering to that side whose successes might, by wise and upright councils, have produced a better settlement of laws, and happier principles of government, to take up arms for the King, whom victory must secure in the full possession of that absolute sway he had exerted and still affected, and turn the limited powers of the constitution into a complete regal despotism. To concur, from principle, with so much evil, and act against such obvious conclusions, shews a superstitiousness of temper * and weakness of mind which are altogether incompatible with a sound understanding. It is supposed that he was so far from being insensible of the consequences already mentioned, that, dreading the too-prosperous success of his party †, his natural vivacity and gaiety of temper visibly abated; he became sad, pale, gloomy, and reserved; nor ever assumed his wonted cheerfulness and vigor, but when there was any overture or hope of peace, which he

* A proof of a weak superstitious regard to formalities he gave in a proposition to the lower house, which, if acquiesced in, would have entirely prevented the securing the person of the lord Strafford, and given him a fair opportunity to ruin his country for the justice it intended him.

† Sir John Colepeper, one of lord Falkland's most particular friends, who had, like him, engaged on the side of Liberty, and, like him, deserted it to support the power of the crown; who had, like him, at first been no friend to episcopacy, and, like him, for his change of opinion been rewarded with office; was the person who pressed with the most earnestness, and with the best success, the siege of Gloucester.

was

was very solicitous to promote. It was his uneasiness Ann. 1643. of mind, from the view of present calamities, and the dread of future evil, which hurried on his fate; his friends in vain strongly dissuading him, as he had no military command, from engaging in the fight; but he said he was weary of the times, and did believe he should be out of them ere night. Clarendon has endeavored, with his utmost skill, to represent the character of his friend and pupil, lord Falkland, as the most perfect of that or any age; but it appears, from this very representation, that, though his virtue was great, his understanding was moderate; that he had a narrow way of thinking; and that his morals were too refined to be serviceable: He would not entertain spies, nor open letters, to serve his master, or save the cause in which he had engaged both life and fortune; nor deviate from the strict letter of precedent, to give Liberty to the commonwealth: On occasions thus important, such trifling punctilios, at the same time they prove the goodness of the heart, betray the weakness of the judgment. Falkland, at an early period of life, entered into the enjoyment of large possessions, when, in defiance of those stimulating excitements, Example and Opportunity, instead of launching out into a riotous dissipation of wealth, time, and constitution, he entered into a strict course of study: As suitable to his years, he at first applied himself to the light parts of literature, and made some successful attempts in poetry; afterwards to abstruse learning---but, in attempting science, he lost wisdom; his judgment being too moderate to extract, from the dross of learning, the spirit

Ann. 1643.

spirit of truth, or distinguish realities from the formalities of knowledge; his natural understanding was rather clouded than enlightened by such application. He was a friend and patron to genius, and his love of letters occasioned him to converse chiefly with men of this stamp, by whom he was regarded as a prodigy of learning for his rank and years*. The partizans of that cause in whose defence he lost his life, assure us, that he was of the most unblemished integrity; but there are some facts which call this in question†: His character, however, upon

* Lord Falkland was himself an author of some reputation. His works, besides his speeches spoken in the house, are, A Draught of a Speech concerning Episcopacy; A Discourse of the Infallibility of the Church of Rome; A View of some Exceptions made against the Discourse of the Infallibility of the Church of Rome; A Letter to Mr. F. M. A Letter to Dr. Beale, Master of St. John's College, Cambridge; An Answer to Mr. Walter Mountague's Letter concerning the changing his Religion; Poems; with a Comedy called The Marriage. *Biographia Britannica. Wood's Athenæ Oxoniensis.*

† The principles and facts laid down in the papers published in Charles's name, whilst the lord Falkland was secretary of state, are very inconsistent with that nobleman's professions whilst he declared himself a partizan for the popular cause. He signed a declaration, that he did not believe the King intended to levy war on his subjects, at the very time when he subscribed to raise twenty horse for that purpose. He acquiesced in Mr. Hyde's frauds, and connived at enormities of an higher nature. The following is the testimony of Mr. Jephson, a member of the house of Commons, delivered at a conference between both houses: "At my late being at Oxford, finding the lords Dillon and Taaffe in favor at court, I acquainted the lord Falkland, his majesty's secretary, that there were two lords about the King, who, to his majesty's great dishonor, and the great discouragement of his good subjects, did make use of his majesty's name to encourage the rebels: To make this appear, I informed, that I had seen two letters sent by the lord Dillon and the lord Taaffe to the lord Muskerry, the
chief

the whole, was generally respected, and his death, Ann. 1643. which happened in his thirty-fourth year, lamented by most men.

THE conduct of Essex in the relief of Gloucester, and the safe return of the army, was looked on by all parties to be the best piece of generalship which had been performed in this war: An exhibition which, at the same time that it vindicated his military skill, evinced his want of sincerity on former occasions. He was received in London with all the marks of respect and gratitude due to the service he had performed. Nor less grateful was the resentment shewn by the two houses of the gallant merits of the defenders of the town of Gloucester: A letter of thanks, with the reward of a thousand pounds, was sent to the governor; largesses to all the inferior officers, in proportion to their ranks; and a month's pay over their arrears to the private soldiers.

chief man in rebellion in Munster, and one of the Irish committee sent into England, intimating, That though it did not stand with the conveniency of his majesty's affairs to give him public countenance, yet that his majesty was well pleased with what he did, and would in time give him thanks for it, or near to that purpose; that those letters were seen by the lord Inchiquin, the chief commander of the English forces in Munster, and by his secretary, who had kept copies of them; and that I was ready to justify as much. Whereupon the lord Falkland was pleased to say, That they deserved to be hanged. But though I staid at Oxford a week after this discovery, I never was called to any farther account, nor any prejudice done to those two lords, but they had the same freedom at court as before." *Declaration of the Commons assembled in Parliament, concerning the Rise and Progress of the Grand Rebellion in Ireland.*

THE

Ann. 1643.

THE triumphal honors given to Essex did not satisfy his fantastic pride, which shewed itself tenacious of command, yet unambitious of that glory and power which must have followed a masterly execution of the high office with which he was invested. Elated with the signal, yet only service he had ever performed, he now openly manifested the disgust he had conceived on the trust yet reposed by the city and parliament in Sir William Waller. Waller was intended by the two houses to be sent to the relief of Gloucester; and it was the jealousy of this rival which excited Essex to exert his abilities. He now complained of discouragements he had received in the execution of his office of general; that the commission granted to Waller was inconsistent with his; and requested, for these reasons, leave to resign and go beyond sea. There is no doubt but those of the party who were sincere in their opposition to the court, and wished to see matters brought to a decision, would have been very glad to have taken any opportunity to get rid of a commander who had missed so many occasions to ruin the King's affairs; to whose obvious omissions he had owed all his advantages; and who had furnished him with a very recent one, in leaving Reading undefended and open to his forces: Essex, however, had the inclinations of the majority of the upper house, and a great party in the lower house; the popular faction did not care, at this critical time, to push matters to extremity, or afford their enemies an opportunity to say they had flighted the man who had relieved Gloucester, and given so saving an interruption to the progress of the King's conquests.

Waller

Waller perceiving that there was a general disposition Ann. 1643. to satisfy Essex, offered to give up his commission: It was voted in the upper house, That it should be rescinded, as inconsistent with that of the lord general; and, by a vote of the Commons, it was ordered, That though his commission appointed him to receive orders from both houses, yet he should observe such instructions as the lord general should give him.

AFTER this business was settled, the two houses came to an agreement on a matter which had lain long dormant, and to the proceeding on which the Lords had, on reiterated reasons, been frequently urged by the Commons: This was the making a great seal for the use of the parliament, the want of which had entirely obstructed the common justice of the kingdom; and as the subjects in general paid a superstitious regard to its authority, the affairs of the parliament had suffered much by its loss; and now that the numbers of the lower house, by defection and foreign employment, were, on debates of the utmost importance, very thin, it was absolutely necessary to supply, by new writs of election, the room of those which were void by death, by expulsion, and abandonment *.

The parliament make a new great seal.

* Previous to this assent, the Commons, on a former refusal of the Lords, had given orders for the making a great seal, the form of which was, A representation of the house of Commons (the members sitting) on one side, and the arms of England and Ireland on the other: The form of the seal made by the joint order of both houses, was the same as that used by the King. The commissioners appointed for the

Ann. 1643.
Sentences of
the judges
Berkley and
Trevor.

THE Lords now found leisure to give their long-suspended judgment on those corrupt heads of the law, to whose infamous compliance were, in a great measure, owing the calamities of the times. Judge Berkley was sentenced to pay a fine of twenty thousand pounds, to be imprisoned during the pleasure of the house, and to be disabled from bearing any office in the commonwealth; Sir Thomas Trevor, to be fined in the sum of six thousand pounds, and to be imprisoned during the pleasure of the house.

Husbands's
Collections,
fol. ed. p. 29.

PURSUANT to a declaration of parliament, That all persons coming from the King's quarters to London without a safe-conduct should be treated as spies, a spy whom the King had sent, under the pretence of an offer of peace, to carry on correspondences with his friends in the capital, was, by the Commons, committed to prison *. The foresaid declaration was afterwards published by way of ordinance; but was

keeping the great seal were, of the upper house, the earls of Kent and Bolingbroke; of the lower house, Oliver St. John (solicitor-general), John Wild (serjeant at law), Samuel Brown, and Edmund Prideaux.

One of the first uses to which the parliament put their new seal, was the sealing a patent constituting the earl of Warwick lord high admiral of England. It was moved by this officer, That the naval preparations should be extended to forty-six ships, and that sixty thousand pounds were required to be immediately advanced for provisions, &c. *Parl. Hist.* vol. XII. p. 422, 441, 458, & seq.

* Clarendon says, that the King had every day information of what passed among his enemies, even in their most secret councils; that he sent messages to the parliament on purpose to have the conveniency of sending to London, of which journies he made good use. *Clar. Hist.* vol. II. p. 126, & seq.

so little regarded at Oxford, that, twelve days after, Ann. 1643. Daniel Kniveton (the King's messenger) arrived with three proclamations; one of which was against the observation of a monthly fast enjoined by the parliament; another for removing the seals of the Exchequer, King's-Bench, and Common-Pleas, to London; and a third against the taking of a solemn league and covenant, at this time enjoined by the authority of parliament. Kniveton was committed to prison: yet, in less than a month, he was followed by one Carpenter, with an order for the judges to adjourn the term to Oxford. Carpenter was apprehended by Reeves and Trevor, two of the judges to whom he had delivered the writs of adjournment; and, to deprive the King of the advantages he had reaped by the means of such pretences, Kniveton, who had been before committed at Windsor on a similar occasion, was executed; and Carpenter underwent the same condemnation, but was reprieved, and committed to Bridewell.

IMMEDIATELY after the surrender of Bristol, whilst the King attempted the siege of Gloucester, the Cornish army had been sent, under the command of prince Maurice, for the total reduction of the West: Weymouth, Dorchester, and Portland-Castle in Dorsetshire, surrendered to a detached party of his horse, commanded by the earl of Caernarvon; whilst the prince himself, after the re-union of his army, entered Devonshire, and from the earl of Stamford, by capitulation, took possession of Exeter. Treachery was a The King's successes in the West. weapon which had been very freely used by the Treachery. King,

Ann. 1643. King, and sometimes with great success: Almost every day produced a plot for betraying into his hands the forts and towns in the possession of his enemies *; and as the parliament had at this time no army in the western parts, either to encourage their friends, or by terror to secure the wavering fidelity of their servants, a plot was now framed by Sir Alexander Carew, knight of the shire for Cornwall, to deliver up to the King the fort and island of St. Nicholas; the security of Plymouth depended on this fort, of which Sir Alexander was governor; but the perfidy being timely discovered, the governor was apprehended and sent to London, where he was condemned to death by a court-martial: And as prince Maurice, instead of taking advantage of the consternation which this affair occasioned, lost a whole month in the siege of Dartmouth, the inhabitants, re-assured by a supply of five hundred men, with a Scotch commander of reputation, resolved on an obstinate defence.

Ann. 1644.
Extraordi-
nary efforts of
the parlia-
ment.

ROUSED with the danger they had incurred by the inactivity of their military operations, and desirous of putting an end to that distraction which had so long desolated the kingdom, the parliament, by the vigo-

* Colonel Hutchinson, of Nottingham-Castle, had an offer from the earl of Newcastle of ten thousand pounds, to be made a lord, and to be continued in the government of the castle, if he would deliver it to him for the King. The earl of Crawford dealt in a similar manner with colonel Sydenham, one of the garrison in the town of Poole; the offer was accepted, and Crawford, with the knowledge of the governor, let into the town, and entrapped in his own snare; whilst the city of Gloucester, Aylesbury, Windsor, and other strong places, were in vain attempted with the same weapons. *Whitlock.*

rous

rous efforts of this year, seemed determined to put a speedy conclusion to the war. With an army in the North under the lord Fairfax, and another under the earl of Manchester *, they established a maintenance for seven thousand five hundred foot, and three thousand horse, to be commanded by the earl of Essex; and passed an ordinance for the four southern associated counties, viz. Kent, Suffex, Surry, and Hampshire, to maintain an army of three thousand six hundred foot, twelve hundred horse, and five hundred dragoons, under the command of Sir William Waller.

Ann. 1644.

Husbands's
Collections,
fol. ed.

POWERFUL as were these preparations, they were not all the force the parliament exerted to pluck the laurels from the brow, and crush the rising hopes, of the enemy. It has been already observed, that when the cold, treacherous conduct of the earl of Essex, at the battle of Edge-hill, had given the King such unexpected advantages as to render motions of accommodation, even on dangerous terms, popular, the leaders of the opposition, to withstand the vigorous efforts of the King's friends towards a ruinous peace, at the same time they consented to a negociation, moved that the Scots, according to the treaty subsisting between the two nations, might be called in to the assistance of the common cause: A declaration from the Scots, of affection and readiness to serve the parliament; it was alleged, would render them so formidable, as to oblige the King to consent to rea-

Clar. Hist.

Thurloe's
State Papers.Husbands's
Collections.

* Lord Kimbolton, now, by the death of his father, earl of Manchester.

sonable

Ann. 1644.
The Scots
called in to
the assistance
of the par-
liament.

sonable conditions : This advice was too salutary to be rejected ; and a declaration was sent into Scotland, of the parliament's confidence that that people would, according to the treaty of amity and alliance between the two kingdoms, the common duty of Christianity, the particular interest of their own state, and the obligations they had received from the parliament of England in the establishment of their present peace, assist them, if there should be occasion, against the common enemies of the Religion and Liberty of both nations. The Scots were desired to raise such forces as should be sufficient to secure their own borders against the attempts of the army of Papists, levied by the earl of Newcastle in the North of England : And, to engage this bigotted people into a close conjunction with the parliament of England, this assembly declared they had embraced, and were resolved to pursue, the invitation of the Scots to a nearer degree of union in matters of religion and church-government. These insinuations, which indulged the hopes the Scots had entertained of propagating their mode of religion in every Christian state, with the jealousy they had conceived that the King would retract all the concessions they had extorted from his necessities, should he be able to establish his authority in England, produced the desired effect. Loudon (the lord chancellor), with other commissioners, was sent from the conservators of the peace to the King at Oxford, to renew the offer of mediation, and to petition the calling a parliament. With these commissioners came the popular ecclesiastic Henderson, employed by the assembly of the church of Scotland to present a petition

tion to the King, expreſſive of reſentment at the re-
 flections flung on Proteſtants in the marquis of New-
 caſtle's declaration, terror at the ſtrength and malice
 of Popiſh forces in England and Ireland, and which
 recommended an uniformity of church worſhip and
 diſcipline, according to the Scotch model; it impor-
 tunately preſſed the King, on the peril of loſing the
 hearts of all his good ſubjects, not to withſtand the
 inclinations of the Engliſh parliament to reformation,
 and entreated the appointment of a general aſſembly
 to conſult on the beſt courſe to be taken for the pre-
 ſervation of religion *.

* In the articles of pacification given in by the Scots, they had
 expreſſed a deſire of uniformity of worſhip in both kingdoms; which
 being conceived in ſuch general terms as might admit of any ſtandard,
 it was civilly answered both by the King and the parliament. In the
 treaty with Scotland for the relief of Ireland, concluded March 1642,
 an article that uniformity of religion ſhould be endeavored between the
 two kingdoms was admitted, both by King and parliament, on the
 ſame reaſons. But this deſired uniformity, according to the model of
 the church of Scotland, being yet at ſome diſtance, the church of Scot-
 land, in answer to a declaration ſent them by the Engliſh parliament,
 expreſſive of apprehenſion of hoſtile oppoſition from the King, and
 their affection to the reformation both of church and ſtate, ſet forth a
 declaration, in which they paſſionately deſired the union of the two
 churches in the ſame worſhip and diſcipline: This produced a return
 from the parliament, in which the church of Scotland were thanked for
 their care and zeal for the peace of the church of England, the whole im-
 pediment to reformation was charged on the hierarchy, with a reſolu-
 tion that it ſhould be aboliſhed; and that for this purpoſe, and to ſettle
 ſuch a government as might be moſt agreeable to God's word, and moſt
 apt to procure and preſerve the peace of the church at home, and
 happy union with the church of Scotland, and the reſt of the reformed
 churches, the parliament did purpoſe to call and conſult with an aſſem-
 bly of godly and learned divines. *Ruſhworth*, vol. V. p. 387, & ſeq.

THIS

Ann. 1644.

Clar. Hist.
vol. II. p. 50,
& seq.

THIS conduct of the Scots was like a thunder-stroke to Charles, who still fondly imagined that his compliance to the demands of that people had entirely attached them to his fortunes. Lesly himself, says Clarendon, had made great acknowledgments and professions to his majesty, and had told him, that it was nothing to promise him he would never more bear arms against him, he would serve his majesty upon any summons, without asking the cause. The earl of Calendar, who had been lieutenant-general in the Scots army when it invaded England, had so freely confessed his former errors, and pretended so deep a sense of what he had done amiss, that a command in the King's army had been offered, and declined on the pretence that it would be penal in Scotland, by some clause in the act of pacification. The earl of Loudon, and all the rest who had mis-led the people, were possessed of whatsoever they could desire; and the future fortune of that nation seemed to depend wholly upon the keeping up the King's power in this.

SUCH were the reasoning and hopes of the court, notwithstanding the former offer of mediation, so favorable to the authority of the English parliament, and a former petition delivered to the King by the Scots for uniformity of church-government. But this cajoling people had, on the relations given to them by the King of the differences subsisting between him and his English subjects, returned such expressions of affection to his cause, and censure of the proceedings of his enemies, that he was really persuaded they could never be brought to act in conjunction

junction with them: But the arrival of this commis-
 sion, in compliance to the declaration of the English
 parliament, and which immediately preceded the
 Oxford treaty, convinced the King of the vanity of
 his expectations. He denied the authority of the
 conservators, absolutely refused the offer of media-
 tion, and the calling a parliament; and, in answer
 to the petition relative to uniformity, he gave the
 petitioners to understand, they acted out of charac-
 ter when they pretended to direct his conduct; and
 recommended to them to preach obedience and humi-
 lity to the people, that they might not be transported
 with matters they did not understand, but be disposed
 to a grateful sense of duty and affection to him. This
 haughty answer, accompanied with a prohibition to
 the commissioners to repair to London, contrary to
 their earnest entreaty *, enflamed the jealousy of the
 Scots, who regarded the King's high style, in the
 present uncertain state of his affairs, and the aversion
 he shewed to alter the episcopal government of the
 church of England, as certain presages of retracting
 all his concessions to them, if, by force of arms,
 he should prevail over the English parliament.

ACCORDING to the precedent which had passed in
 England, they had obtained of the King an act for

* The Scots complained of it as an infringement of the safe-conduct; and the chancellor would have protested against it in that sense, but was threatened at Oxford, That, if he extorted the King's consent by such means, a party were resolved to lie in his way, and cut the whole company off before they were many miles from the town. *Burnet's Lives of the Hamiltons*, p. 216, & seq.

Ann. 1644. triennial parliaments: A parliament was to meet in Scotland on the first Tuesday of June, in the year 1644. It was thought by the Scots, that this would be too late a period to prepare against the threatened storm; and for this reason they had petitioned the King to call a parliament before the time when they were appointed by law to meet. The request was refused on the same view of affairs on which it was solicited; for as, by an article in the act of pacification, neither kingdom could declare war against the other without consent of their respective parliaments, the King and his party thought themselves very secure from another Scotch invasion till after the time appointed for the meeting of the Scotch parliament, before which interval they hoped to subdue the spirit of the opposition in England. "Whosoever, says Clarendon, believed those people could be contained by any obligations, divine or human, thought it impossible any forces could be raised there to invade England and disturb his majesty till June 1644." Very different were the comments of the Scots on the same text: Obligations of gratitude, mutual interest, self-preservation, and the conditions of the late treaty of alliance and amity between the two nations, bind us, said they, to assist England against the attempts of the common enemy to the liberty and peace of both kingdoms *. On the return of the commissioners to

* In a declaration of the parliament to the kingdom of Scotland, they call upon them as bound by the particular words of the pacification to assist them, since divers noblemen and others of the kingdom of Scotland had joined themselves to the papistical and prelatical party, and risen in arms against them, without the consent of the parliament of Scotland. *Rushworth*, vol. V. p. 467.

Edinburgh, with the King's refusal to all their demands, it was determined, in a joint meeting of the council, the conservators of the peace, and the commissioners for public burdens, that there was a necessity to put the kingdom into a posture of defence, and that, to this purpose, a convention of estates should be summoned to meet on the twenty-second of June 1643*. The chancellor had orders to this effect, and a letter of advice was written to the King. Charles was at first determined absolutely to forbid the meeting; but, on the reasoning of the marquis of Hamilton, and other his friends in Scotland, who represented that his authority would be brought into contempt, and the meeting kept in defiance of the prohibition, he gave way to the necessity of the occasion; but limited the conclusions of the assembly to the supplying the wants of the Scottish army in Ireland, the pressing a speedy payment of the remainder of the brotherly assistance-money due from England, and quieting the jealousies and fears of his subjects. When the assembly met, they voted themselves a free convention, not to be restrained by the King's limitations.—And this was the situation of affairs in Scotland, when, immediately after the defeat of Sir William Waller's army, and other successes of the King, a committee from the parliament of England was sent down to invite the assistance of the Scots. Committees were immediately appointed to consult and treat with them,

* A convention of estates is a court made up of all the members of parliament, and called, upon urgent occasions, without the formalities used in calling parliaments, vested with authority to raise money or forces, but without the power of making or repealing laws.

Ann. 1644.

both out of the convention of estates and general assembly of the church, which had been called and met at the same time. A new solemn league and covenant was framed between the three kingdoms of England, Scotland, and Ireland; which, abjuring indifference and neutrality, bound the subscribers to mutual defence against all opponents; to endeavor, without respect of persons, the extirpation of Popery, prelacy, superstition, heresy, schism, and prophane-ness; to maintain the rights and privileges of parliament, with the King's person and authority; to discover and bring to justice all incendiaries and malignants; to preserve the reformed religion, established in the church of Scotland; and to endeavor the reformation of the church of England and Ireland, in doctrine, worship, discipline, and government, according to the word of God, and the example of the best reformed churches. Sir William Armin, Sir Henry Vane the younger *, Thomas Hatcher, Henry Darley, with Nye and Marshall (two ecclesiastics of authority) were the persons employed in this important commission †: But to Sir Henry Vane, the most consummate politician of this fruitful age, was alone confided the conduct of the negociation. It was by his persuasion that this covenant, so calculated to inspire the subscribers with zeal and unanimity, was

* Son to Sir Henry Vane, the late secretary of state.

† The lord Grey of Werk had been appointed by the Lords to be one of the commissioners, but, on timid motives, declining to obey the order, was imprisoned by the authority of that house, and deprived of his commission of lieutenant-general of the army under the earl of Essex. *Parl. Hist.* vol. XII. p. 335.

framed;

framed; by his address the reformation of the churches of England and Ireland was couched in general terms, and the Scots persuaded to regard the expression as free from ambiguity. The convention of estates ordered this covenant to be universally taken, under the penalty of confiscation, besides what farther punishment it should please the ensuing parliament to inflict *. Nor did it fail of meeting with equal success in England, where, after the approbation of an assembly of divines †, which had been called together by the authority of parliament ‡, it

* On the King's sending a prohibition to his Scotch subjects to take the covenant, they returned, in answer with reasons for their conduct, an advice to the King to take it himself.

† "What had become of the religion, laws, and liberties of our sister nation of Scotland, said an Exhortation set forth by the assembly of divines, if they had not entered into such a solemn league and covenant at the beginning of their troubles; which course, however it was at first, by the Popish and prelatic projectors, represented to his majesty as an offence of the highest nature, justly deserving chastisement by the fury of a puissant army, yet, when the matter came afterwards in cool blood to be debated, first by commissioners of both kingdoms, and then in open parliament here, when all those of either house who are now engaged at Oxford were present and gave their votes therein; it was found, adjudged, and declared, by the King in parliament, That our dear brethren of Scotland had done nothing but what became loyal and obedient subjects, and were thereupon, by an act of parliament, publicly righted in all the churches of this kingdom where they had been defamed." Besides this authority, others were quoted from prophane and sacred history: The covenant taken by the Jews, by the persuasions of Ezra and Nehemiah, without special commission from their sovereign, the Persian monarch; the combination of the provinces of the Netherlands against the unjust violence of Philip of Spain, justified and defended by queen Elizabeth.

‡ This assembly of divines and the commissioners of the church of Scotland joined in a letter to the reformed foreign churches, in which
they

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was taken unanimously by both houses, and afterwards by the whole party. An hundred thousand pounds were raised by loan from the city, and sent down to Edinburgh, according to agreement made with the Scots, who, after the three first months service, were also to be allowed thirty thousand pounds a month during the time they were in the employ of the parliament *.

No means were left unattempted by the King, either to divert the Scots from their intention to assist the English parliament, or to prevail on them to lend their arms to the support of his interest; but in vain were they flattered with assurances that all offices and places at court should, every third time, be filled with Scotsmen: Charles's insincerity, his prejudices in regard to civil and religious policy, his unconcealed aversion to Presbytery, his acknowledged passion for prelacy, combated in the Scots every selfish

they vindicated the party in opposition to the King, on the grounds of danger to their civil and religious liberties from the turbulent conduct of the Papists, and the prevalency of their counsels at court. *Rushworth*, vol. V. p. 371.

* The parliament articulated to repay to Scotland, out of the estates of Papists, prelates, and malignants, all the expences of the war. By the conditions of this treaty, the public faith of both kingdoms was to be jointly given for the present taking up two hundred thousand pounds sterling; no cessation nor pacification was to be made, without the mutual advice and consent of both kingdoms; the kingdom of England obliged itself to aid and assist the kingdom of Scotland, in the same straits and extremities, and to employ eight ships to defend its coasts during the time the Scotch army was in their employ. *Thurloe's State Papers*, vol. I. p. 29, 30.

allure-

allurement. Has not the King eminently shewn, said Ann. 1644, the Scotch covenanters, that he values royal power more than the honor of his word, than peace, than safety, or the blood of his countrymen? Will not a strong sense of his supposed interest, his passion for power, his veneration for prelacy and religious ceremonies, lead him to retract all his concessions, to break through those limits which he regards with an indignant eye, and invade a church which he considers as anti-christian and unlawful? When backed with power, it will be an easy matter to find distinctions to escape engagements: Besides, if the putting down episcopacy is sinful according to the King's conscience, that alone will furnish him with a reason to overturn the fabric we have raised with such expence and danger, since men are not bound to observe sinful promises. Is not his party composed of Papists, prelates, lovers of prelacy, malignants, all of them zealous enemies to us, and the civil and religious liberties of our country *? On the other side, let us examine the merits of those men who

* Besides the security of the present religious and civil government of the country, those very people who had in a manner forced themselves into the administration of affairs in Scotland, had great reason not only to fear the loss of their present power, but to be called to an account for past transactions, should the King prevail over their friends in England; the condemnation of the one would naturally lead to that of the other. Edward Hyde, the King's special confidant, afterwards created lord Clarendon, is full of these kind of invectives against them; and the King himself, in his answer to the Scots declaration, cannot forbear expressing his opinion of the original guilt of those who occasioned or encouraged the first commotions in Scotland. *Clar. Hist. Rushworth*, vol. V. p. 494. & seq.

constitute

Ann. 1644.

constitute the parliament of England: Have they not saved us from the destruction which awaited us, by opposing all war with us? have they not punished the authors of our oppressions? have they not obtained us the redress of our grievances? and have they not, with friendly and honorable expressions, conferred on us an ample reward for fighting our own quarrels? Not to mention our security*, will not the base desertion of our munificent benefactors stain the annals of our country with ingratitude to man and God? Can we make a more grateful return to heaven for the distinguished favor of a purer light, than by conveying the same to our distressed neighbors and patrons, who, at the lavish expence of oceans of their blood, are making such laudable efforts to obtain it? These were the arguments urged against what the King's friends advanced in his favor; they were universally the topics of conversation, and almost the only doctrine preached from the pulpit. But it was not with words only the Scots at this time endeavored to return the infinite obligations they had received from the English parliament: By the means of an hundred thousand pounds, received from England, levies of men and horse were raised with all

* "Experience hath taught us, said a remonstrance of the general assembly to the estates, what influence Popery and prelacy have in England; from thence came the prelates, the ceremonies, the service-book, the book of Common-Prayers, and, upon our refusal, the bloody sword came from thence. If we suffer the parliament of England to be cut off, we have lost our peace with England; if the Popish and prelatical faction do over-rule the parliament, we may expect war both from King and parliament, whereunto they will not want pretences."

possible

possible dispatch; their troops recalled from Ireland * ; Ann. 1644. and, about the end of the year 1643, they were ready, with an army of one and twenty thousand men, to enter England.

THE duke of Hamilton, and his brother the earl of Lanerick, had been sent into Scotland by the King to counteract the measures of his enemies; but wanting sufficient authority and influence to oppose the torrent of the times, after disclaiming the convention as a free convention, and refusing to take the covenant, they fled for shelter to the court at Oxford; where they found the King so enraged at the disappointment of the hopes he had conceived from their influence and endeavors, that, on their arrival, they were confined to their own lodgings; and within a few days the duke of Hamilton, after receiving the copy of a long charge, composed of general invective assertions, by way of an impeachment, wherein, amongst other articles, he was accused of setting on foot a title to the crown of Scotland, was sent a close prisoner to the castle of Pendennis. The earl of Lanerick escaped from his confinement, and fled to London, from whence he returned to Scotland.—It was the cautious moderation of the two brothers' conduct which had drawn on them this extraordinary treatment from the King, after so many repeated marks

* The commissioners sent down to Edinburgh to conclude a treaty with the Scots had declared, in the name of the parliament, that they were no longer able to continue the charge of the army in Ireland. *Thurloe's State Papers*, vol. I. p. 18, & seq.

Ann. 1644.

Carte's Life
of Ormond.

of his favor, who, whilst they had exposed themselves to the resentment of the covenanters, from their inflexible adherence to the prerogatives of the crown, had opposed the wicked counsels of the earl of Montrose and his party, as measures which would bring dishonor on the King's character, and a speedier ruin on his fortunes. The duke of Hamilton, the earl of Montrose, and the earl of Aboyn, had all of them an interview with the queen at York, immediately after her arrival from Holland: Montrose and Aboyn represented the necessity of getting the start of the enemy, and raising forces in Scotland, to prevent the Scots from joining with the English parliament: Measures of violence were opposed with warmth by the duke of Hamilton, both on their inefficacy, and the injury it would do the King's fame; who having, he said, so often and so lately, in his letters and declarations, protested he was resolved unalterably to adhere to the late settlement, should he now authorize the first breach, it would bring an indelible stain upon his honor, and create a perpetual diffidence in his subjects of all his concessions and assurances. Besides, the scheme of force proposed by Montrose, he added, was a romantic conceit, from whence no rational hope could be derived: The King had neither strength in Scotland, nor a castle to which his party might retire: The gathering together, therefore, of the gentry who espoused his cause would serve for no use, but would expose their throats to the enemies' rage, and his majesty's authority to their hatred and scorn. These objections being too strong to be combated by Montrose, the scheme of force, to his great dis-

dissatisfaction, was laid aside, and the Scotch noble-
 men who adhered to the King were sent down to
 Scotland to endeavor to prevent, or at least to retard,
 the Scotch invasion till the preceding year. Bishop
 Burnet, in his *Lives of the Hamiltons*, says a retard-
 ment was effected by the marquis, and that he had
 frankly owned, both to the King and queen, that
 this was all he should be able to perform. Certain
 it is that the King, persuaded he was the man who
 could serve him best in Scotland, either to spirit him
 up to more vigorous endeavors, or to reward him for
 supposed services, sent him, at this time, with many
 expressions of affection and gratitude, a patent for
 the title of duke *. These marks of royal favor and
 confidence excited an high degree of envy in the earl
 of Montrose, who, according to the example of Ire-
 land, had proposed a general massacre of the cove-
 nanters (being no less than four-fifths of the king-
 dom) or to take up arms, and declare the members
 of the convention rebels: The first expedient was re-
 jected with horror by Hamilton; and as to the second,
 he proposed, on the pretence of attending a funeral,
 to try what numbers the royalists could bring into
 the field. The thinness of the appearance convincing

Ann. 1644.

Burnet's
*Lives of the
 Hamiltons,*
 p. 247.

* It was at this period, and not when the King was in Scotland, the marquis was created a duke.—Among the services he performed for the King, was the procuring an invitation to be sent from Scotland to the queen to take shelter in that kingdom, and from thence mediate between the King and the English parliament. Charles rejected this opportunity, which might have insensibly engaged the Scots in the quarrel of the court, and shewed a distrust which served to encrease the jealousy that nation had entertained of him. *Burnet's Lives of the Hamiltons*, p. 195, & seq.

Ann. 1644.

the party of the wildness of Montrose's project, and that nothing could at this time be effected to stop the progress of the covenanters *, Hamilton and his brother, who had exposed themselves to the rage of the party, retired to the court at Oxford, where, through the malicious representations of Montrose and his friends, they met with the treatment which has been above related.

The King
has recourse
to the Pa-
pistical party
in Ireland.

Rushworth.
Husbands's
Collections.
Carte's Life
of Ormond.
Borlase.
Temple.

As the parliament of England had in their distresses sought succor from their Presbyterian brethren of Scotland, so the King had recourse to his Popish friends in Ireland. It has been already observed, that a contract had been formed between the states of England and Scotland for sending over an army of ten thousand Scots into Ireland. These troops, in number sufficient to have totally subdued the northern rebels, and, with the assistance of the English army, to have made a new conquest of the island, wholly directing their conduct to the objects of safety and gain, had been of little other service than protecting, in the northern parts of Ireland, the small remaining remnant of British planters, and had encreased the distresses of the country by plundering it of large quantities of cattle, which they transported into Scotland †.

* The earl of Newcastle had refused to spare the Scotch royalists arms or ammunition, or to seize on Berwic, without a commission for it under the great seal, it being contrary to the articles of the late treaty. *Burnet's Lives of the Hamiltons*, p. 242.

† On the landing of two thousand five hundred Scots in Ulster, Carrickfergus, one of the strongest towns in the North of Ireland, was, according to articles, to be immediately put into their hands; they

THE military operations were much impeded by the discord and suspicion which raged between the

Ann. 1644.
Affairs of
Ireland.

they were to enlarge their quarters as they should see fit, and the forces in the province of Ulster, which should join them, were to receive their orders from the Scotch commanders. When the auxiliary army amounted to ten thousand men, Colerain was likewise to be delivered up to them; ten troops of the English horse in that province to be joined to them, and to be subject to the Scotch general, who was alone accountable to the King and the two houses of parliament in England: Moreover, if the Scotch troops should, on any occasion, join with the lord-lieutenant and his army, their general was only to cede to the lord-lieutenant, but was to precede all others, and was alone to give orders to the officers of his own army.—Of these conditions, which nothing but the necessities of the occasion can excuse, the Scots made an ungenerous and shameful advantage. Two thousand five hundred Scots, under the command of Monroe, were joined by eighteen hundred English foot, five troops of horse, and two of dragoons: The rebels fled before this powerful junction; but when Sir Henry Tichbourn pressed that they might be vigorously pursued, Monroe refused, and returned from Newry to Carrickfergus, wasting the country in his way, and taking a prey of four thousand cattle, besides other goods, which were entirely divided among the Scots. His next expedition was to the county of Antrim, which he wasted and plundered of five thousand cows, but without attempting any thing against the rebels, who, having had time given them to gather together, were worsted in a sharp action by Sir William and Sir Robert Stewart. Monroe not only refused the lord Montgomery, who had joined him with seven hundred foot and three troops of horse, to pursue the rebels into the county of Ardmagh, and force the castle of Charlemont, but prevented him and the lord Conway from going on that expedition, on the pretence that the Scots only were to make the war in Ulster, the earl of Levin having sent positive orders that no man should besiege any place, nor garrison any town of Ulster, but by the permission of the Scotch commanders. Such quantities of cattle were transported into Scotland by these rapacious auxiliaries, that the lords justices complained to the commissioners for Irish affairs, appointed by the parliament of England, that they would, in a short time, totally exhaust the province of Ulster. *Carte*, vol. I. p. 308, & seq.

lords

Ann. 1644.
 Carte, vol. I.
 p. 285, & seq.
 Borlase.
 Rushworth.

lords justices and the earl of Ormond; whilst, either through connivance with the Popish and malignant party, or through an unpardonable inactivity, the forces in Connaught, sufficient to subdue the province, were kept by their commander (the earl of Ranelagh, lord president of the province) totally idle, till they were almost entirely vanquished and consumed by short and unwholesome commons. Notwithstanding these obstructions, the English, in frequent encounters, with disadvantage both of situation and numbers, put the Irish to rout. The siege of Drogheda was raised, and the rebels, after the loss of many of their men, left the neighborhood of the capital, and, dispersing themselves, fled for safety to the North. Constant ill success, with the disappointment of the recruits of men and money which had been promised from foreign states, occasioned the chiefs of the English pale to move for a cessation, and a licence to meet together and draw up their grievances, to be presented to the King: But this request, which indicated no degree of penitence, and which was made after the adventurers act had passed in England, was unnoticed by the justices *. The Irish

* The administration of Ireland has been so generally condemned by the Popish writers, and the abettors of the prerogative and Popish interest, that it may not be improper to make some observations on a conduct which the Irish Papists, and particularly the English Irish, have improved to a kind of justification of their guilt. "Our governors, say they, by wilfully mistaking a trifling insurrection in the North of Ireland for a general rebellion of the whole Papistical body, forced us, by the irresistible principles of self-preservation, to have recourse to arms, and thus to fall into the net they had prepared for us." We will not animadvert on an assertion which carries with it a palpable

chieftains having agreed that it was impossible to make Ann. 1644.
a defence, had determined to fly the country; the

ble contradiction, since to have remained quiet would have been the sure means of escaping such cobweb snares, but, proceeding to examine the conduct of the state of Ireland on the breaking out of the rebellion, search how far it is grounded on truth.

In the letter to the earl of Leicester, lord-lieutenant of Ireland, which conveyed intelligence of the design against the castle of Dublin, and Macmahon's evidence, the justices and council express an hope that the English of the pale and other parts will continue constant to the King in their fidelity, as they had done in former rebellions: "If it so fall out, say they, that the Irish generally rise, which we have cause to suspect, then we must of necessity put arms into the hands of the English of the pale to fight for themselves and the state." What is mentioned in this letter was actually put in practice: Arms were delivered to several of the Popish gentry and nobility, with commissions to command and raise forces to preserve the peace of the several counties, and a power to execute martial law; nay, to such lengths did the justices carry their endeavors to conciliate the affections of the pale, that, on a captious objection to their proclamation on the discovery of the plot, they published another, which explained the expression, "some evil-affected Irish Papists," to mean only the Papists in the North of Ireland; and, that they might not irritate the malevolent disposition of the Papists, when the safety of their own persons and the city of Dublin was in danger, no check was given to the confident resort of great numbers of lords and gentlemen, who, in a few days, openly joined the rebels; no punishment was inflicted on those who disobeyed a proclamation for the discovery and removal of all such as should come and continue at Dublin, without just cause; and several persons who had given grounds for suspicion, and others convicted of seditious language, were left at large. To such lengths did the lenity of the state proceed; till the pale, finding themselves defeated of their purposes of seizing the power of the government by the prorogation of the parliament, flung off the mask, and, after betraying a party of the Protestant troops at St. Julian's Town-Bridge, openly joined themselves to the northern rebels, who had already gained considerable strength by their more secret concurrence.—"We formerly signified to your lordship, says a letter from the state
of

Ann. 1644. English of the pale, destitute of any hopes of succor, were almost driven to sue for mercy to an enraged

of Ireland to the earl of Leicester, dated the fourteenth of December 1641, that, to take away all jealousy from the Papists of the English pale, we would furnish them with some arms; and the rather because we well knew, that, in the last great rebellion in Ireland, the English pale stood firm to the crown of England, and that the rebel Tyrone, in the height of his power and greatness, was never able to get into the pale with his forces, whilst he was in rebellion: And upon this occasion, the noblemen and gentlemen of the pale making deep professions of their loyalty to his majesty, in imitation of their ancestors, and with expressions seeming to abhor the contrivers of this rebellion, against whom they offered their power and strength, so as they might have arms; and we being well assured that, if we could gain their concurrence, it would much facilitate our work, we did, at their earnest suit, issue for them arms for one thousand seven hundred men, wherewith divers companies were armed by them, and some of themselves were appointed governors of the forces of the county and captains of their companies. But so many of those companies revolted to the rebels, and carried away their arms with them, that we have recovered but nine hundred and fifty arms; so as those whose loyalty we had reason to expect would help us, are now turned against us, and are strengthened with our own arms; and, without all question, if those of the English pale had done their parts as became good subjects, with the arms they had from us, and those they might have gathered among themselves, they might, with our help, not only have defended the pale against the rebels, but might also have prevented the ruin and destruction wrought by their tenants and neighbors on the poor English and Protestants among them; for the noblemen and gentry sat still and looked on, whilst the English and Protestants were ruined before their faces, the Papists in the mean time remaining secure, without the loss of goods or any thing else.”——“ The rebels in the pale, as in other parts, says another paragraph in this letter, have caused masses to be said openly in the churches, expelled the ministers from officiating in their churches, and forced divers persons, for the saving their lives and goods, to become Papists, openly professing that no Protestant shall be suffered to live in Ireland. And whilst they insult thus over all the English and Protestants, destroying them for no other reason but for that
that

state; Popery was on the point of being totally subdued in Ireland; when the faction were relieved from

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that they are Protestants and English, we let fall nothing against them touching religion; and yet they feign things against us tending that way, to give some color to their cruel proceeding."

As, on the one side, it cannot be contradicted that the rebellion became general without any essential provocation, and that the rebels themselves, in their remonstrances, declare their chief incentive to arms to be the establishing their beloved tyranny and superstition, neither, on the other side, can it be denied that several of the Irish administration, warmed with resentment at the sufferings of their Protestant brethren, and anxious to prevent for the future the like melancholy effects of Popish zeal and superstition, discouraged every motion of accommodation, or yielding any terms to such perfidious citizens. That the men who proposed taking the utmost advantage of a general forfeiture should be odious to the aggrieved party, is a very natural circumstance; but whether they have deserved the censure they have on these grounds met with, or whether they may not be defended on motives of sound and justifiable policy, is worthy the attention of history.—The great favor which, in former rebellions, had been shewn by the crown to the Irish Papists, had encouraged continual attempts to fling off a Protestant government. King James, either from motives of fear, or predilection to the professors of Popery, had neglected the advantage which occurred from the general rebellion subdued in the latter end of queen Elizabeth's reign; and returned to the Papists a fourth part of the land they had forfeited by an after rebellion to his government. It is manifest the Irish massacre was the offspring of these improvident indulgencies; a consideration which, with the formidableness of the number, power, and riches of the Irish Papists; the merciless cruelty shewn by that sect in all parts of the world, and from the beginning of separation, to their Protestant subjects; their never-ceasing attempts, by every kind of mean, to bring all things again to subjection to the church of Rome; their avowed maxim, that faith is not to be kept with heretics; their religious principles, calculated for the support of despotic power, and inconsistent with the genius of a free constitution; do they not more than justify, on the grounds of self-preservation, the protection of society,

Ann. 1644. their despair by an exprefs from Owen O'Neale, that, after a long paffage by fea from Dunkirk, round the

ciety, and the fecurity of Liberty, the moft active efforts which the men trusted with the management of the government could make to prevent the Irish Papifts from recovering the power and influence they by law had forfeited?

Some of the Irish land-holders who had been indicted for high-treason were tried in a legal courfe, after having, in obedience to a proclamation from the King, furrendered themfelves to the ftate. This has been represented under the color of a notorious breach of faith, though the proclamation makes no mention of pardon on the merits of fuch a furrender. But let us hear the juftices themfelves on this fubject: "Some gentlemen, fay they in a letter to the lord-lieutenant, have rendered themfelves to the King's juftice; many others have defired protection; and very many, even of the beft rank, have endeavored to make fubmiffions: But we think it neceffary to obferve, that the ftate of Ireland has been too indulgent to the Irish in former ages, has too eafily received fubmiffions and granted pardons to rebels; whereas, if the frequent opportunities offered by rebellions had been improved, fuch reformation might have been made in the kingdom as would have prevented the prefent general deftruction fallen upon the Britifh." They proceed to obferve, That the fubmiffions offered by the rebels were purely the confequence of their difappointments, to work their own prefent eafe, and prevent the fending over farther fupplies from England; that if, after fuch a feries of rapine, cruelty, and bloodfhed, they could wipe out their crimes by making fubmiffions, they would be emboldened to attempt the like again, to the continual unfettlement, if not deftruction, of the kingdom.

The difcouraging treaties with the rebels, and the endeavoring to keep clear of all engagements or connections with thofe who had actually joined, or even communicated with them, has drawn on the juftices and their party in the adminiftration, as is obferved above, the moft opprobrious terms of abufe: But whether a conduct in which they were fupported by the opinion, and even the authority, of the Englifh parliament; a conduct which was agreeable to the fentiments of all the ftaunch Proteftants of thofe times; a conduct juftified by the principles of felf-prefervation, and excited by indignation at the recent

North of Scotland, he was landed in the county of Ann. 1644.
 Donnegal, with a number of veteran officers, his
 own regiment of soldiers, and a great quantity of
 arms and ammunition; that he had sent a ship with
 supplies to Wexford; and that, since his landing, he
 had taken possession of Castle-Doe. Owen O'Neale was
 soon followed by a second and larger reinforcement,
 under the commands of the colonels Preston, Cullen,
 Synnot, Plunket, and Bourk *. And thus, through
 the unpardonable conduct of the English parliament,
 in neglecting to guard the ports of Ireland, the rebels
 were relieved from their state of desperation, and the
 war rekindled †.

recent acts of unprovoked cruelties, committed by the Papists; whe-
 ther it deserves commendation or blame is left to the judgment of this
 candid age. *Carte's Life of the Duke of Ormond. Nelson, vol. II.*
p. 912, & seq.

* This reinforcement consisted of a good number of engineers, and
 fourteen vessels laden with arms, ammunition, and veteran soldiers and
 officers; cardinal Richelieu having on the occasion discharged all the
 Irish forces in the French service.—The English parliament have been
 blamed, by their opponent writers, for not suffering a large transporta-
 tion of the Irish army into the service of the Spanish court; but this
 supply which the rebels received of experienced soldiers, and without
 which they could not have carried on the war, fully shews the wisdom
 of that council, and that it would have been safer for the Protestant inte-
 rest if that disaffected people had never been trained up to the use of
 arms in the service of Popish princes. The prohibition of parliament
 was not entirely complied with: Borlase says, that the colonels John
 Barry, Garret Barry, Taaffe, and Porter, had warrants to transport
 four thousand men to Spain, and the insurgents gathered together
 on the pretence of conveying soldiers out of the kingdom. *Temple.*
Borlase.

† The ships which were appointed to guard the coast of Ireland
 being commanded by persons devoted to the King, he had withdrawn

Ann. 1644.

THE recruits which the Irish rebels had received did not rouse the Scots from their inactivity: They were suffered to form themselves into regular armies, and, according to a synodical act of the ecclesiastics in May 1642, a general assembly of laity and clergy met at Kilkenny on the twenty-fourth of October, where, after declaring they did not intend to intrench so far on the prerogatives of the crown as to call that meeting a parliament, they settled judicatories for the administration of justice, and the regulation of their affairs. A council was established for each county, consisting of deputies for baronies, or, where there were no baronies, persons elected by the county in general; from the county council there lay an appeal to a provincial council, consisting of two deputies from each county; and from this again to the supreme council, consisting of twenty-four persons to be chosen yearly by the general assembly. Civil magistrates, generals, and subordinate military officers, were to be subject to this council, who were to hear and judge in all causes except in titles to land, to determine all matters relative to the good of the confederacy, and whose acts were to be of force till rescinded by the general assembly *.

them from that service, and thus left the Irish coast exposed; but as the greater part of the navy was under the command of the parliament, the not sparing a few ships on this important service is to be reckoned among their errors. *Borlase*, p. 83.

* The general assembly framed for their use a great seal, bearing the mark of a long cross, on the right side of which was a crown and a harp; on the left, a dove above and a flaming heart below, surrounded with this inscription, "*Pro Deo, pro Rege, & Patria Hibernia unanimis.*"—Among other acts of authority, they coined money, and, in honor

THE general assembly having thus founded their Ann. 1644. form of government, proceeded to appoint provincial armies and generals: Owen O'Neale was made general of the Ulster army, Preston of the Leinster, Garret Barry of the Munster, and John Bourk of the Connaught army. To prevent the dangers which must ensue from disunion, it was provided, That no distinction nor comparison should be made between the old and new Irish, and that all persons of the confederacy should be bound together by a new oath of association, which prescribed true allegiance to the King; the maintaining his prerogatives, the power and privileges of the parliament in Ireland, and the fundamental laws of the kingdom; the upholding the free exercise of the Roman-Catholic religion throughout the land, the lives, liberties, estates, and rights of all those who took and performed the con-

honor of St. Patrick, to whom they intended to institute an order of knighthood, a halfpenny, bearing on one side the figure of a king, crowned with a radiant crown, kneeling and playing on a harp, over which is placed the imperial crown of England, with this inscription, "*Floreat Rex*;" on the reverse, the figure of St. Patrick mitred, standing with a crozier in his right hand, and a leaf of trefoil in his left, extended to people round him; on his left side is the arms of Dublin, with this inscription, "*Ecce Grex*." A farthing was also stricken much about the same time, bearing on one side the figure of a king crowned, playing on the harp, with a crown over it, the inscription, "*Floreat Rex*;" the reverse, St. Patrick mitred, with a church behind him, he holding in his left hand a double or metropolitan cross, and stretching out his right over a parcel of serpents, as if driving them out of the church, with this inscription, "*Quiescat Plebs*." It is said, that there are still preserved by the curious some few silver pieces, bearing the same impressions and inscriptions as these copper ones. *Simons's Essay towards an Historical Account of Irish Coins.*

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Ann. 1644.

tents of the oath; obedience to the orders of the supreme council; not to seek pardon or protection for any act touching the cause, without the consent of the council, nor to consent to any peace made without the consent of the general assembly. Propositions were drawn up, which insisted that the Popish religion should be as freely and publicly exercised, with as full lustre and splendor, as before the Reformation; that all the laws of restraint, penalty, fine, or incapacity, laid upon Papists, should be repealed by parliament; that the clergy should enjoy their several jurisdictions and immunities in as ample a manner as before the Reformation, with the churches and church-livings, their profits and emoluments, as largely as they were enjoyed by the Protestant clergy before the rebellion. These propositions, which annihilated the Reformation, and in a manner extirpated the Protestant religion, the confederates, by their oath of association, were bound to maintain until a peace was established and secured by the authority of parliament. The kings of France and Spain, the Pope, and the emperor of Germany, were solicited for farther supplies; and petitions sent to the King and queen of England for the assignment of a place where they might with safety express their grievances, and his majesty with freedom apply a seasonable cure unto them *.

* In these petitions the Papists profess, That they never intend to disturb the King's government, or invade his high prerogatives; term their unparalleled barbarities "some unwarranted cruelties, acted by the commonalty upon Puritans, or persons suspected of Puritanism;" and offer, on a concession to their demands, to convert their forces upon any design the King should appoint.—The contemplation of the queen's

WHILST the Papists were thus busy in planning their military schemes, and forming their civil plan of government, the parliament of Ireland met at Dublin on the first of August. In a preparatory meeting, held in June, the house of Commons had expelled all their members who were engaged in actual rebellion, or who stood indicted of treason; and had made an order that no person should sit in their house, either in the present or in any future parliament, till they had first taken the oath of supremacy*. —To prevent the danger which the Protestants daily ran from a multitude of Popish inhabitants which crowded the capital, consumed provisions, and conveyed intelligence to the enemy, both houses, in a petition to the King and parliament of England, requested, That bills might be transmitted from England, containing all the laws in that country of force against Popish recusants, to be enacted into laws for Ireland, and immediately executed in Dublin; and, for the greater security of the Irish Protestants and their posterity, that they would grant them farther laws and provisions. These bills were not re-

queen's goodness, they said, her compassionate care of distressed Catholics, her interest in the settlement of the kingdom, and the felicity in point of religion which all the nations of Europe had received by the alliance of their princes with the royal house of France, had induced them to implore her Esther-like intercession to their most gracious prince, that he might settle their religion and liberties as he had done those of his other kingdoms. *Clanrickard's Memoirs*, p. 298, & seq.

* Carte, a prerogative-writer of some note, is absurd enough to represent this just and necessary exclusion as an improper encroachment on the power of the crown. *Carte*, vol. I. p. 328.

mitted

Ann. 1644. mitted when the parliament re-met, according to adjournment, on August the first.

THE draught of an act to suspend a part of the statute called Poyning's Act, concerning acts to be passed for the abolishing Popery, and the attainder of the rebels, was recommended by the Commons to the Lords, who seemed very well disposed to receive it, till the earl of Ormond, lately gratified with the title of marquis *, who had all his relations in the rebellion, and who on many occasions had favored the Popish faction, flung in an objection to the proviso for suspending part of Poyning's Act, as touching the independency of the kingdom, the proviso having noticed an act passed in England for disposing of lands in Ireland. The bill was returned on this objection, and the Commons finding a difficulty in removing it, the business was no farther proceeded on; and the justices prorogued the parliament, after having en-

* Ormond had been taught his political creed by the earl of Strafford: By him he had learned entirely to depend on the favors of a court; like him he had devoted every principle of conduct to its services; and on these merits was particularly recommended to and cherished by the King, who, among other favors, had lately bestowed on him the title of marquis, and two thousand two hundred pounds out of his treasury, at a time when the state of Ireland was distressed for money to subsist the forces raised against the rebel army. The earl of Leicester was, on various pretences, detained at Oxford, whilst Ormond, by a warrant from the King, was invested with the power of appointing, in the absence of the chief governor, all the subordinate officers; a power which he was sure to make use of in promoting the officers of the old army, who had been commissioned by Strafford, and who were of a stamp to undertake any service which should be required of them.

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dured a hot persecution from the Lords, by the influence and intrigues of the marquis of Ormond, on the account of one Stephen Jerome, a preacher, whom they had so far countenanced as to appoint to preach at Christ-church, a place of worship commonly frequented by the officers of state. Jerome, in the style of the times, had told some bold truths from the pulpit, and had been pretty free with the persons of the King and queen; comparing the King, whom in a manner he had taxed with breaking his covenant with the people, to the uxorious Solomon and the headstrong Rehoboam, and the queen to the idolatrous daughters of Jezebel: The cavaliers of England were likewise compared to the rebels of Ireland; and protections to the goods and persons of several Papists, which had been granted by the marquis of Ormond, obliquely hinted. Jerome was silenced by Launcelot Bulkeley, archbishop of Dublin; when the justices, to mortify this busy prelate, and with a design, no doubt, to weaken the influence of that party in Ireland which favored the King and the Papists, signed an order requiring him to continue the same lecture without interruption, until good cause was shewn unto them to the contrary.----The upper house was informed by one of their members (the lord Howth, a Papist *), that Jerome had thrown reflections on their majesties, and others of that assembly, which deserved to be taken into consideration; and the bishop

Carte, vol. I.
p. 216.

* The parliament, in one of their declarations touching the King's connection with, and favor to, the Irish Papists, mention his having encreased the Popish influence in the Irish house of Lords, by giving peerages to several of that profession. *Rushworth.*

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of Meath urged his punishment, as a very necessary exertion, because, he said, the man, in contempt of the authority of his proper superior, had been ordered by the lords justices to go on with his sermons: The marquis of Ormond moved, That the business might be referred to a committee; a committee was accordingly appointed, which consisting of those who might be properly called parties against Jerome, and high sticklers for the prerogatives of the crown, Jerome was committed by the house to the custody of one of the sheriffs of Dublin, and his prosecution at several times especially recommended to the justices. The justices let the matter rest till the day they intended to prorogue the parliament, when a message was delivered to the lord chancellor, importing, That, as the house had taken examinations in the cause, the justices left it wholly to them to inflict what punishment they thought proper. The Lords, enraged that Jerome should by this artifice escape their vengeance, drew up an order, in which they narrated the whole business, and again recommended the punishment of Jerome to the lords justices, the twentieth of April (the time to which the parliament was prorogued) being too long a date, they said, to defer it.

Thus whilst the Scots, wholly consulting their ease and interest, became an useless burden on the country, and that matters of this trifling nature took up the attention of the different parties which formed the parliament and state of Ireland, the rebels were suffered to complete, without interruption, their civil
and

and military operations. Yet, notwithstanding all Ann. 1644. the advantages they received from the disunion and inactivity of the Protestants, they got few victories in the field: The lord Broghill, Moore, Sir Frederic Hamilton, Sir Robert Stewart, Sir Charles Coot, Sir William St. Leger, and others, obtained advantages over them in almost every rencounter; and the marquis of Ormond, after gaining two complete victories at Kilrush and Rofs, had found means to relieve all the forts they had besieged or blockaded in different parts of the kingdom.

THE length of the protracted war, notwithstanding these successes, had occasioned to each party a great scarcity of all the necessaries of life: The whole kingdom, as far as they had power to execute their malice, had been laid waste in the beginning of the rebellion by the Irish; the policy of war had occasioned the justices to make much devastation; and the care of the English parliament had been so wholly engrossed in defending Liberty in England, that, during the course of the year 1643, a very small supply had been afforded to Ireland *. The distresses of the

* The parliament censure the King on this subject, and allege, That, having designed five thousand foot and eight hundred horse for the relief of Munster, under the command of the lord Wharton, and when nothing was wanting but a commission to the lord Wharton, to enable him for that service, no commission could be obtained from his majesty, by reason whereof Limerick was wholly lost, and the province of Munster in great distress; that cloaths provided by the parliament for the troops in Ireland were seized by his majesty's officers; and that his majesty's forces were so quartered in and about the common roads to Ireland, that neither money, cloaths, victuals, or other provisions, could pass thither with any safety. *Russworth*, vol. IV. p. 776.

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English army in this country afforded that opportunity which had been long waited for by the King: A remonstrance was framed and presented to the council-board, in the name of forty officers employed in the highest commands of the army, complaining of the inconveniencies and hardships they had suffered in the service, and the little assistance to be expected from the English parliament. This remonstrance was presented to the justices by the marquis of Ormond (a special intriguer in all the cabals of these times), and was too serviceable to the intended measures not to be immediately dispatched by the same hand to the court at Oxford. The justices and council raised the sum of twelve hundred pounds by a subscription of plate; but this being not sufficient to satisfy those whose present business it was not to be satisfied *, a supplicatory petition for protection, in a fulsome low style of fawning flattery, was sent by the remonstrants to the King; who, after high expressions of sorrow at the grievances of such noble personages, and inveighing against his rebellious subjects in England, from whom, he said, the obstructions to their relief had arisen, with a promise to omit no opportunity to relieve his distressed kingdom of Ireland, and encourage and recompense such as had deserved so eminently of him, he desired that the marquis of Ormond might return his particular thanks to the earl of Kildare, Sir Fulk Huncks, co-

* These officers had before refused to consent that a part of their pay and arrears due should be satisfied out of the rebels' lands, though the lords justices, and other officers of the civil list, had set them an example, by subscribing considerable sums. *Carte*, vol. I. p. 385.

lonel Gibson, and Sir Richard Greenville, all men Ann. 1644. who had been particularly active in raising the desired clamor.

ACCORDING to the petition sent from the rebel assembly at Kilkenny, a commission under the great seal of England was dispatched to the marquis of Ormond, the earl of Clanrickard (a Papist *), the earl

* This Popish nobleman was vested with the government of the town and county of Galway: The fort was commanded by captain Willoughby, and garrisoned by a strong body of Protestant troops; yet afterwards fell a sacrifice to the treachery of the town, who, by the authority of Clanrickard, after they had flown out into unprovoked acts of rebellion and murder, when on the brink of destruction obtained an act of pacification with the fort; a pacification which on the first opportunity they broke, and the fort, after an obstinate siege, was obliged to surrender.

Clanrickard had kept clear of any overt junction with the rebels, yet, with an high degree of sagacity, had all the malignancy of the faction: He was well acquainted with the strength of the Protestant interest in the British empire, and knew the conduct and avowed aim of the Papists would in the end prove unfortunate to themselves and the King. It was for this reason he endeavored to moderate the zeal of his brethren so far as to wait the result of the Oxford counsels: "I do profess myself (says he to the leaders of the Popish faction, who pressed him to join their forces) as faithful and constant a Roman-Catholic as any covenanter whatsoever, and perhaps do understand the means to preserve it better in the kingdom than many of them who appear with an inconsiderate zeal: It is rather feared that the proceedings here have drawn the affections of many in England from the King, and rendered him liable to suspicions, by the pretensions and rumors spread in this kingdom. When our actions shall prove to be of advantage to him, or that I shall receive the least command, I have not one drop of blood which shall not be plentifully poured forth in his service; and that I presume is well known to his majesty." *Clanrickard's Memoirs*, p. 249, 258.

of

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of Roscommon, the viscount Moore *, Sir Thomas Lucas, Sir Maurice Eustace, and Thomas Bourk (a Papist, brother to the earl of Clanrickard, and an agent at Oxford for the party), authorising them to meet with the principals of the rebels who had signed the petition, to receive in writing what they had to propound, and to transmit the same to the King. This commission was dated the eleventh of January 1643; and a letter was sent to the lords justices, requiring them to assist in the commission, though, at the same time they had transmitted the rebels' petition, they had expressed, in very strong terms, the disadvantage it would be to his majesty's and the Protestant interest to comply with their request. Agreeable to the dictates of the commission, a letter of summons was sent to the supreme council at Kilkenny: It met with a slight, or rather haughty answer; but, by the compliant disposition of the King's commissioners, and some concessions on the side of the rebels, a meeting was appointed at Trim on the seventeenth of March 1643; when a writing was delivered to the King's commissioners by the agents for the rebels, containing a remonstrance of their grievances, with a petition for redress in a free (that is a Popish) parliament, unrestrained by Poyning's law; and an offer, on obtaining their request, to employ ten thousand men, under experienced commanders, in defence of his majesty's regal rights and prerogatives. The whole remonstrance, which contains fourteen tedious arti-

* The same who had given an infamous evidence against the lord Mountnorris.

cles,

cles, is stuffed with notorious falsehoods, excepting Ann. 1644. some pretended injuries which were just consequences of the rebellion, and grievances which concerned both Irish Protestants and Papists, and which nothing but the flagitious conduct of the latter could have prevented from being redressed.

THE justices, by a letter wherein they represented the cruelties which had been practised by the Irish Papists on the Protestants, and that they could not be safe in their persons or possessions, unless such advantage should be taken of the rebellion as to deprive the former of their lands, and consequently of their power to do mischief, made another attempt to dissuade the King from proceeding in the intended treaty; but the vigilant Ormond, to prevent his master from receiving any obstruction to his designs, calling together those members of the council on whom he had an entire influence, balanced the justices' representation by another, in which the difficulties of the state and army were set out in their utmost extent; and which ended with an opinion, that if considerable supplies of money, munition, and victuals, were not sent within a month or two, or if his majesty did not, in the mean time, give direction what to do in case they were not by that time supplied, they, his majesty's subjects, with the rest of the Protestants of the kingdom, must perish and be consumed, and his majesty enforced to make a new conquest, with very great disadvantages.—This representation, signed by the lord-chancellor Bolton (who had been impeached by the parliament), the bishop of Meath, the lords Brabazon and Lambert,
Sir

Ann. 1644.

Sir Francis Willoughby, Sir James Ware, and Sir George Wentworth (brother to the late earl of Strafford), was not the only means made use of by Ormond to counteract the endeavors of the justices: The officers of the army were again excited to manifest their discontents by a petition to the parliament, which had met the twentieth of March 1643. Among the grievances complained of, that which carried the most plausible appearance was, payments made to the army in Spanish coin, of less value than the English money. The petition being received favorably by the Lords, the parliament, to the disreputation of the justices, was suddenly prorogued; and the Ormond faction taking advantage of this just ground of discontent, the chancellor, by the command and in the name of the lords, wrote a letter to the King, acquainting him with the whole business, and expressing great discontent at the conduct of the justices in the sudden prorogation: The King, who had long waited an opportunity to deprive Sir William Parsons of a power which he had used to support the Protestant, or what was at this time styled the Puritan interest in Ireland, against the malignancy of Papists, prelates, and courtiers, and who, had he continued in office, would have been an insuperable obstacle to the progress of the treaty on foot, sent over a commission to appoint Sir Henry Tichburn justice in his room; Borlase being an easy man, whom, it was thought, would follow the directions of his new colleague as readily as he had done those of his former one. Sir John Temple, Sir Adam Loftus, and Sir Robert Meredith, were removed from their offices, and others, better affected to the cause in hand, put in their places: And a
com-

committee of the Commons, which had been sent over Ann. 1644 from the parliament of England, in obedience to orders from the King, were excluded the council *.

THIRTEEN recusants of figure and fortune, who had been confined in the castle of Dublin on indictments for treason, were admitted to bail †; and a second order sent to the marquis of Ormond to treat for a cessation of arms with the rebels for one year: But, notwithstanding their famous captain O'Neale had been suddenly attacked and routed by Sir Robert Stewart on the borders of Fermanagh, the rebels, conscious of the King's impatience, affected such coyness on the subject of a treaty, that the marquis of Ormond was obliged to send to Kilkenny two Papists, his confidants, viz. the lord Taafe and colonel John Barry, to engage them to save appearances so far as to renew their request for a treaty of cessation.

* The parliament, having heard that the officers of the Irish army had had secret invitations to repair to the King at Oxford, sent over Mr. Robert Goodwyn and Mr. Reynolds, as a committee, to secure the affections of the army. They carried with them twenty thousand pounds in money, powder and other ammunition, and were entertained with great civility by the justices: But their presence in council serving to awe those who wished ill to the power of the English parliament and the civil and religious liberties of the empire, and to discountenance the commission sent over to treat with the rebels, they were, by positive commands from the King, excluded the council. Two warrants (under the King's sign-manual, directed to the lords justices and the marquis of Ormond) soon followed for the taking them into custody; but they were saved from this insult by means of the justices, who, some days before the arrival of the warrants, had furnished them with a pinnace which carried them to the garrisons in the North of Ireland. *Carte*, vol. I. p. 393, & seq.

† They had been refused this indulgence during the late Irish administration.

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—The main point aimed at by the rebels was the having a new parliament; an incident which, as the kingdom was circumstanced, would put the whole power of government into their hands. This they had some reason to expect from the King's condescension, and was in a manner undertaken by the lord Taaffe*; but the marquis of Ormond not daring to go such lengths, they receded from this their favorite purpose, on the consideration that the cessation would ease them from the burden of the Scotch army, and that the King, assisted by their forces and the Protestant army in Ireland devoted to his interest, might be at full leisure to crush the parliament of England, and thus obtain power to grant them the undisturbed possession of their demands. To prevent all opposition in the council, Sir William Parsons, Sir John Temple, Sir Adam Loftus, and Sir Robert Meredith, on a charge of treason, were committed close prisoners to the castle†; and the treaty of cessation

* The King, in a letter dated the second of July 1643, sent orders to the justices to assure his Irish subjects in arms, That he was graciously pleased to dissolve the present parliament, and to call a new one between that and the tenth of November ensuing; and to take a course to put all those among them who should be chosen members of the said parliament, into such a condition as they should not be prejudiced in their liberty of sitting and voting. Neither the marquis of Ormond, nor any other of the King's creatures in the administration, had courage to take upon themselves the odium of so ruinous and unpopular a measure; and the judges, having been referred to by the council, gave such weighty reasons against it, that it was for the present entirely laid aside. *Rushworth*, vol. V. p. 544. *Borlase*, p. 131.

† The whole general charge against these privy-counsellors was, the having held a good correspondence with the English parliament; and consisted of such frivolous particulars, that the lawyers entertained by the King at Oxford were of opinion, they could not be turned to the purpose of bringing them in guilty of any capital crime. *Carte*, vol. I. p. 442.

for

for one whole year, on the price of thirty-eight thousand pounds towards carrying on the war against the Protestants in England, re-commenced and concluded by the marquis of Ormond at Sigginstown *, on the seventh of September 1643 †.

Ann. 1644.
Cessation
with the
Irish Papists.

* The King was in such an hurry to bring the matter to this hopeful issue, that, before the treaty was finished, four several dispatches were sent from the court at Oxford to conclude the cessation. *Borlase*.

† Whilst this treaty was in agitation, one Peter Scaramp arrived from the Pope with a second supply of arms and ammunition, and a bull, dated the fifteenth of May 1643, granting a general jubilee, and authorising an absolution, to all engaged in the insurrection, of all crimes and sins, how enormous soever.—Soon after the receipt of this bull, the Irish clergy published an excommunication of all those who did not warmly engage in the common cause. The excommunication contains the following curious passages: “ Our hearts would melt in drops of blood, our breasts may sob out sighs and inflamed groans, considering our brethren and countrymen, so benumbed, so mis-led, and so blinded as they see not, or pretend not to see, how just our quarrel is against those Ammons who project and thirst no less than our total extirpation, our war being rather defensive than offensive, defined and decreed as just and lawful by the public assemblies of our zealous prelates and prime clergymen, approved by his holiness the Pope of Rome, who lately directed to us his gracious breves and missives, containing his acclamations and approbation of our endeavors, with his apostolical benediction to all the furtherers of so good a cause, and a plenary indulgence to those in state of grace who will die in defence of it. We may but weep and lament, yea never dry our eyes, reflecting on the dulness of some titular Catholics, who slightly hear, and conceive no feeling of, the horrid blasphemies disgorged and enacted by the malignant party of Puritans in parliament, against the mysteries of our Roman-Catholic professions, the sacrilegious impieties vamped and belched out of their infectious breasts against the sacred name of our sweet Saviour Jesus—a name to which all knees in hell, in earth, in heaven, must bow; a name which makes the heaven and earth to shake, and sends shuddering chillness throughout the veins of all infernal powers. How can we but highly admire, and in our admiration burst out into most doleful notes, to see our

Ann. 1644.

THUS the Irish rebels, who in all quarters had retreated before the English troops, obtained free liberty to enjoy with impunity the habitations and spoils of the exiled Protestants, to digest with safety their plan of sovereignty, to strengthen themselves by stricter confederacies abroad, and to encrease their forces at home; whilst their brave enemy had full

most gracious sovereign King (the best of princes), his royal issue, our gracious queen his noble consort, set on with fire and sword, with all affronts, dishonor, and disgraces proscribed? But alas! how Charity from some is gone to endless pilgrimage! Oh Lord, through what forbidden paths does passion hurry us, when reason is unseated; which never in Pharoah's or Nebuchadnezzar's obdurate minds was more conspicuous than it will appear in our refractory friends, if they abjure not themselves, and reclaim not their hearts from their former error!—We thought it high time to apply the most efficacious and speediest remedy to divert such incumbrances, and rectify those crooked members in their ruptures and dislocations, endeavoring to joint and beset them in their proper seats to the body-politic, otherwise to hack and hew, and spare neither trunk nor lordships amongst you; our duty to God, our pastoral function, obliging us not only to reduce the strayed sheep into the fold, but also to cut the corrupted sores which canker and infect the whole and wholesome composition, lest God, who sweetly hitherto chastised our flock far underneath the rate of their demerits, now, by occasion of so many irritating factions, should shew his indignation against us all. Having, therefore, hitherto made use of mildest courses, by frequent admonitions, counsels, prayers, and often warnings and exhortations, now at length, though much against our will, we resolve to unsheath the fearful sword of excommunication: And so hereby, and by this our present act, writing, definitive sentence, and decree, invoking first the name of God, having his fear before our eyes, so as we aim at nothing but the amendment of wilful transgressors and cure of putrid members, by virtue of the authority which graciously was conferred upon us by God's divine providence, by the Catholic apostolic Roman church, and the supreme governor thereof, vicar-general to Christ on earth, his holiness the Pope of Rome, we excommunicate, with a major excommunication, *ipso facto*." Carte, vol. I. p. 447. *Clanrickard's Memoirs*, p. 322, & seq.

leisure

leisure to repine at their fruitless victories; and a number of adventurers, who, on the faith of an act of parliament, had subscribed large sums towards the carrying on the war, found themselves on the brink of being foiled of their promised possessions *.

* In the beginning of the insurrection, an act had passed for the levying four hundred thousand pounds for the Irish wars; but this not being thought a sum sufficient for the importance of the occasion, a bill was brought in, and passed by the King and parliament, to raise by subscription a million of money, upon the security of two millions and an half of forfeited lands in Ireland, to be assigned by lot to the subscribers, and to be enjoyed by them and their heirs as soon as both houses of parliament should declare the rebellion to be ended; the King was tied up from disposing of forfeited lands; all grants made or to be made by the crown of goods or lands of rebels, since the twenty-third of October 1641, were declared null and void; and all pardons which should be granted after the said day to any of the rebels, before attainder, without the assent of both houses, to be adjudged of none effect; the survey, admeasurement, and allotment of the forfeited lands to the subscribers were placed in the power of commissioners, to be appointed by the Lords and Commons in parliament, who were invested with authority to regulate the plantations, to create corporations, to erect churches, and to maintain preaching ministers within the fore-mentioned bounds. This bill, which restrained the King from granting any conditions to the rebels, was passed by him among others intended to be rescinded or disregarded as occasion served: And though, to persuade his parliament to consent to his journey to Ireland, he mentioned that intention as an encouragement to the adventurers, of whose interest, he said, he would be always very careful, yet the rebels considered it in so different a light, that they impatiently expected the King's presence, as a certain prelude towards a treaty which was to secure to them the pardon of their crimes, and the possession of their demands. The earl of Clanrickard, governor of the town and county of Galway, on the report of the King's intended visit, had the boldness to apply to the lords justices for obtaining a cessation of arms until the King's pleasure was farther declared: The justices returned answer, That his lordship's motion being on the supposition that his majesty intended to receive the rebels to grace, they doubted whether it would stand with the honor and greatness of the King easily to

Ann. 1644.

Husbands's
Collections,
fol. ed.
p. 340, & seq.

Deep was the resentment which the Protestants all over the British empire, excepting those who were particularly engaged on the side of royalty, entertained of this act of the King. When the parliament of England heard of the transaction, they set forth a declaration of the infringement of their authority, devolved to them both by act of parliament and his majesty's commission under the great seal; that the cessation would prove dishonorable to the public faith of the kingdom, elude the acts and ordinances of parliament made for the forfeiting the rebels' lands, give them time and opportunity to recruit their beaten forces, to strengthen themselves with foreign supplies of men, provision, and ammunition, and ruin the poor exiled Protestants, who must continue begging their bread, whilst their oppressors enjoyed their lands and houses. They farther complained, That the wants of the army, craftily made a pretext to cover such pernicious counsel, had been occasioned by the King; ships going for Ireland with victuals having been stopped by his majesty's warrant; the parliament's messengers for loans and contributions, taken and imprisoned; and, from those counties which were under the power of the King's army, not one penny of either loan or contribution been suffered to be sent to Ireland. "Every man, says the parliament in a previous declaration, may contrive what was meant by his majesty's not consenting that the parlia-

to hearken to supplication, before sharp punishment had somewhat satisfied the world that he was really sensible of the sufferings of his good people, and the unparalleled rapines, murders, and oppressions of his wantonly-affected subjects. *Parl. Hist. Memoirs and Letters of the Marquis of Clanrickard.*

ment

ment should send a committee into Ireland the last Ann. 1644. year, to endeavor the carrying on the war against the rebels, upon the pretence that the earl of Leicester, who is yet remaining at Oxford, was presently to go over thither *."

* In this declaration, which was published previous to the taking place of the treaty of cessation, is narrated the quashing the subscriptions endeavored by the committee; the treatment the committee met with; the large importation of Irish rebels into England, enlisted in the King's army, and in great favor at Oxford.—By the testimony of Sir William Brereton, knight of the shire for the county of Chester, there landed, in June 1643, many Irish rebels at Werral in Cheshire, some whereof acknowledged they had washed their hands in the blood of several English and Scotch in Ireland. John Dod, an Irish minister, deposed at the bar of the house of Commons, That, during his stay of seven weeks at Oxford, he saw a great number of Irish rebels, whom he very well knew to have had a hand in the most barbarous actions of that rebellion; as the dashing of small infants in pieces, the ripping up women with child, and the like: Among these was one Thomas Brady, who, at Turbet in Ireland, within seven miles where the said Dod lived, as thirty-six old men, women, and children, not able to flee, were passing over a bridge, caused them to be thrown into the water, where they were all drowned; that this Brady was now at Oxford, in great favor, and serjeant-major to colonel Piercy's regiment; that he saw there three Franciscan friars, and three Jesuits, who had lifted themselves in the lord Dillon's troop, and were called cornets; that there were daily and public meetings at mass in every street there; that Sir John Dungan, a man accused of high-treason in Ireland, who fled into England, had a commission for a troop of horse, with the lord Barnewall of Trimbleston and his son, and a son of the lord Netterville; that, as near as he could compute, there were then at Oxford above three thousand rebels; and that most of the King's life-guard were Irish. It is worth notice, that these transactions past during the time lord Falkland served the King at Oxford as secretary of state.

C H A P. II.

Strength of the King and parliament.—Death and character of Mr. Pym.—The King summons an assembly of peers and other members of parliament at Oxford.—Proceedings of the parliament, and the Oxford assembly.—Fruitless negociation of the count of Harcourt.—Invasion of the Scots.—Military operations.—Distresses of the earl of Essex and his army.—Battle of Marston-Moor.—The cities of York and Newcastle taken by the parliament's forces.—Second battle of Newberry.—Propositions of peace.—Treaty at Uxbridge.—Trial, execution, and character of Laud.

Ann. 1644.
Strength of
the King and
parliament.

THE parliament, by dallying with their advantages, had given the King an opportunity to raise himself from a condition which had excited their contempt, to a pitch of power formidable to his own party. But for the siege of Gloucester, the Liberty of Great Britain had been extinct; and though that memorable interruption had checked the high career of the King's fortune, at this period he was more than upon an even footing with his adversaries: With five armies in the field, all the northern parts of England, except Hull in Yorkshire, were subject to his authority; in the West, Plymouth alone (with two small fishing-towns, Poole and Lyme) resisted the power of his arms; the whole principality of Wales, except the maritime towns of Pembrokehire, were at his devotion; and in Shropshire, Cheshire, and Lancashire, the parliament were not strong.

BESIDES

BESIDES the accidents of war, this assembly had, by the more common course of nature, received this year a considerable loss in the death of their illustrious member John Pym, who incurred a premature mortality by the excessive fatigues of body and mind he had undergone in the service of the public. As his patriotism and integrity were of the most exemplary kind, and his merits to his party highly eminent, his death was very universally lamented by the parliament and their adherents, and furnished equal matter of rejoicing to the royalists; who, among many impotent attempts to sully his unblemished fame, proclaimed him a monument of divine vengeance, and that he was stricken with that loathsome disease called the *morbus pediculosis*: It was part of the superstition of this age to ascribe every extraordinary incident to the special providence of God: To refute, therefore, this idle report, the dead body of Mr. Pym was for some time exposed to public view; and afterwards interred in Westminster-Abbey, to which place he was carried by six members of the lower house, and attended by most of the Lords and Commons sitting at Westminster *.——Attention to the business of the commonwealth had so entirely engrossed the whole man, that his private fortune, equally neglected with his health, at the time of his decease was at so low an ebb, that the parliament expended a considerable

Ann. 1644.
Death and
character of
Mr. Pym.

Rushworth,
vol. V.
p. 376, & seq.

* The house of Commons passed an order, That a monument should be prepared for him at the expence of the commonwealth; that he should be interred in Westminster-Abbey, without any charge for breaking open the ground; and that the speaker, with the whole house, should accompany his body to interment. *Journals of the Commons.*

Ann. 1644.

Parl. Hist.
vol. XII.

p. 379, & seq.

sum in the payment of his debts * ; an evidence which, with frugal manners and simplicity of life (the characteristic of the party), was of itself sufficient to confute the calumnies of his enemies, who accused him of raising considerable sums by the acceptance of bribes, and other dishonest practices † : Before the tribunal of parliament he had been exculpated from the scandal which the royalists would have fixed upon him ; but he was so far moved with their malignity as to publish, a little while before his death, a Vindication of his Conduct. In this, with much modesty of language and sentiment, he compares his fate to that of the Roman Cicero : “ I will not, says he, be so arrogant as to parallel myself to that worthy ; yet my case, if we may compare lesser things with great, hath to his a very near resemblance ; the reason I am so much maligned and reproached by ill-affected persons being, because I have been forward in advancing the affairs of the kingdom, and have been taken notice of for that forwardness ; they out of their malice converting that to a vice, which, without boast be it spoken, I esteem my greatest virtue.” Mr. Pym, from his experience in the forms of parliament, his knowledge of the law and constitution, his powers of argument, oratory, and elocution, and his known honesty and integrity,

* The Commons undertook to pay all the debts of Mr. Pym, not exceeding ten thousand pounds. This was a very munificent donation, considering the present necessities of the parliament. *Journals of the Commons.*

† Besides his private fortune, he enjoyed a salary from his office of master of the ordnance.

enjoyed

enjoyed an unrivalled authority in the lower house *. Ann. 1644.
 —According to the account given by Anthony Wood, Wood's
 an author shamefully prejudiced against all those who Athenæ,
 affected the popular cause, Mr. Pym was, at a very vol. II. p. 36,
 early period of life, admired for the pregnancy of & seq.
 his parts, and was styled by Fitz-Geoffrey, the poet,
Phæbi delicia, Lepos puelli. The same author informs us,
 that to Somersetshire belongs the honor of his birth;
 and that he left behind him of literary performances,
 besides his speeches in parliament, A Vindication from
 the Aspersions of Malignants*; a tract, entitled, The
 Kingdom's Manifestation †; and other works.

WHILST the parliament rewarded every degree of
 merit with a liberal hand, they were no less severe
 and impartial in the punishment of offences: Natha-
 niel Fiennes, a man of great estimation in the house
 of Commons, both for his own personal endowments,
 and his father the lord Say's reputation, was, by the
 determination of a court of war, condemned to lose
 his head for cowardice of conduct in the defence of
 Bristol; and though he obtained a pardon from the
 general, yet (being incapacitated from serving in the
 army) he submitted to a temporary banishment till

* Lord Clarendon, to support the opinion that Mr. Pym had the
 contrary vice to these virtues, mentions his having preserved several
 persons from censure, who were under the severe displeasure of the
 two houses, as a suspicious circumstance that he had accepted bribes.
 Thus acrimoniously partial is this author against all those who acted in
 opposition to his views and interest. *Clar. Hist.* vol. II. p. 353.

* Quarto, London, 1643.

† London, 1643.

Ann. 1644. the shame attending his sentence was a little effaced from the memory of the public. A discipline thus severe and just, as it made the parliament terrible to their enemies, so it inspired their partizans with the utmost reverence and devotion.

The King
summons an
assembly of
peers and
other mem-
bers of parlia-
ment to
Oxford.

To abate the veneration very generally paid to this assembly, and to avail himself of the name of parliament to levy those large sums which were necessary for the ensuing important campaign, the King had summoned to Oxford all the members of either house who adhered to his interest. As it had been intimated to him, that there was no probability the two houses at Westminster would ever treat with the members which should meet at Oxford, and that he might expect great advantages from their refusal, a letter *,

* Lord Clarendon tells us, That the King, on being advised to the expedient of calling the members to Oxford, was at first in some apprehension that such a conflux of persons, who would look to enjoy the privilege of parliament in their debates, might, instead of doing him service, do many things contrary to it; and exceedingly apprehended, that they would immediately enter upon some treaty of peace which would have no effect, yet, whilst it was in suspense, would hinder his preparations for the war: "And though nobody, says lord Clarendon, more desired peace than the King, yet he had no mind that a multitude should be consulted upon the conditions of it." The same author asserts, That the following arguments obviated the King's objection; viz. that the persons who had the duty to obey his majesty's summons could be none but such as had already absented themselves from Westminster, and, having thereby incurred the resentment of those who remained there, would not bring ill and troublesome humors with them to disturb that service which could only preserve them; but, on the contrary, would unite and conspire together to make the King superior to his and their enemies: And as to the advancing any propositions to peace (which there could be no doubt but they would be

signed by the prince of Wales, the duke of York, forty-three lords, and an hundred and eighteen proscribed members of the house of Commons, was sent to the earl of Essex, purporting, That it was their earnest desire some persons should be appointed, on either part, to treat of such a peace as might yet redeem their country from the brink of ruin. The earl of Essex, by the directions of the committee of state, returned the following answer: That he could not communicate the letter he had received to the assembly of parliament, because it was neither addressed to them, nor they acknowledged in it. To carry on the farce concerted between the King and his council, a second letter was written to the earl of Essex, desiring a safe-conduct to Westminster for two messengers, designed to be sent by the King concerning a treaty of peace. As there was the same studied affectation to avoid mentioning the parliament in this second letter as in the first, the answer returned was, That, when a safe-conduct for the King's messengers should be demanded of the two houses, the earl of Essex would shew his willingness to farther any way which might produce a good understanding between his majesty and his faithful and only council the parliament.

Ann. 1644.
Proceedings
of the parlia-
ment and the
Oxford as-
sembly.

Rapin.
Rushworth.
Husbands's
Collections.

be inclined to, nor would it be fit for his majesty to oppose), there could be no inconvenience, since their appearing in it would but draw reproach from those at Westminster, who would never give them any answer, nor look upon them under any notion but as private persons and deserters of the parliament, without any qualification to treat or to be treated with; which would provoke those at Oxford, and by degrees stir up more animosities between them. *Clar. Hist.* vol. II. p. 318.

THIS

Ann. 1644.

THIS refusal produced from the King a message directed to the Lords and Commons sitting at Westminster : But as he took care, in his offers to treat of peace, to signify that his conduct in this point was directed by the Lords and Commons assembled at Oxford, and, according to a previous assertion in his proclamation of summons *, insinuated that the two houses sitting at Westminster were not a legal convention, the parliament refused all treaty upon such terms :—They would never own, they said, the members who had deserted them. Moreover, they thought themselves bound to let his majesty know, that, as their continuance as a parliament was settled by law, they were resolved with their lives and fortunes to maintain their just rights and power ; and did beseech him to be assured, that his royal and hearty concurrence would be the most effectual and ready means to procure a firm and lasting peace, and of begetting a right understanding between his majesty and his people ; without which his most earnest professions, and their most real intentions, concerning the same, must necessarily be frustrated : “ And

* The King had issued out two proclamations on the subject of summoning the members of parliament to Oxford. The first was published on the twentieth of June 1643 ; it forbade obedience to the parliament at Westminster, and offered pardon to the members of both houses, with exceptions. The second was published on the threatened invasion of the Scots, on the twenty-second of December in the same year 1643 ; and offered pardon to all the members of either house who should appear at the city of Oxford before or on the twenty-second day of January. *Parl. Hist.* vol. XII. p. 303, & seq. vol. XIII. p. 4, & seq.

in case, added they, your majesty's three kingdoms Ann. 1644. should by reason thereof remain in this sad and bleeding condition, tending to their ruin, your majesty cannot be the last nor the least sufferer."

THE assembly at Oxford, exulting in what they termed their repeated solicitations for peace, published two long declarations: One contained the history of the fore-mentioned proceeding; and the other, with many acrimonious aspersions on the conduct of the parliament, tended to prove it no free convention. These performances are so frivolous and quibbling, so stuffed with contradictions *, and so like those which had been already set forth on the same subject, that it was easy to discern from what particular quarter they came. The parliament, on their side, published a manifesto, wherein they shewed, from the style of the letters written to the earl of Essex, from expressions in the King's late message, and especially from an intercepted letter of the lord Digby †, that, under

* To fix on their antagonists the imputation of treason, the assembly at Oxford lay down positions which forbid, on any occasion, opposition to the King; and then contradictorily assert, that they will defend with their lives and fortunes the laws and liberties of the kingdom, and particularly the statutes passed in the beginning of this parliament. The same absurdities are to be found in the answer of the nobility and gentry of Northumberland to the committee of both kingdoms marching with the Scotch army: It was the style of all the King's publications, and the universal jargon of his party. *Parl. Hist.* vol. XIII. p. 39, & seq. p. 57, & seq.

† This letter calls the parliament "a pretended parliament;" and says, That to be admitted by the King for somewhat more considerable than he hath a long time owned them for, is a point which his majesty may not suffer them to gain, without subverting the grounds
of

Ann. 1644.

the specious color of proposing peace, a snare had been laid to engage them tacitly to disavow their power and authority.—On the first meeting of the Oxford assembly, they passed some angry votes against the Scots ; and, on the refusal of the two houses at Westminster to treat, they likewise voted, That all those Lords and Commons yet remaining at Westminster, who had consented to the raising forces under the command of the earl of Essex, or to the making and using a new great seal, or had been abetting, aiding, and assisting to the invasion of the Scots, were guilty of treason.

THESE resolutions passed, the assembly proceeded to the more important business for which they were summoned: They made a kind of grant to the King of one hundred thousand pounds, to be levied by way of loan ; and, following the example which the parliament had set them, laid an excise on beer, wine, and other commodities *.

NOTWITHSTANDING the zeal which this assembly had manifested for the King's service, the harmony and confidence which appeared between them was far from real: The King had in vain importuned

of all his late proceedings against them, and that which he now went upon, viz. the calling a parliament at Oxford ; upon the effect whereof all the eyes of the kingdom were fixed. *Parl. Hist.* vol. XIII. p. 3.

* The parliament at this time passed a whimsical ordinance, enjoining every family within the bills of mortality to forbear, for three months, one meal a week, and to contribute its value to the public occasions.

them

them to assume to themselves solely the name of the parliament of England *, or to declare the assembly at Westminster an illegal convention ; and though he had again and again recommended to them an entire trust and confidence in him, as a better expedient for the peace and preservation of the kingdom than fears and jealousies, yet they discovered so much of the latter of these affections, as to petition him to reprint the protestation he had made at the head of his army at Wellington, with his declarations concerning his resolutions to maintain and defend the true reformed Protestant religion ; that he would again promise to call a national synod, to establish the government and peace of the church, to whom should be recommended a care for the ease of tender consciences ; that he would again promise to keep inviolable the laws of the land ; that he would declare the sincerity of his royal heart concerning his intention to consult often with parliaments ; that he would promise to consent to an act to secure the subject from loans, taxes, and other impositions, which had been submitted to as exigencies of war and necessity ; and that he would retain his pious endeavors to procure the

* “ We are far from dissolving, says this assembly in one of their declarations, or attempting the dissolution of this parliament, or the violation of any act made and confirmed by his majesty’s royal assent in this parliament.” This prudence, which seems newly acquired by the party, and which probably proceeded from the King’s declaration after the surrender of Bristol, was far from answering his hopes or intention of invalidating the acts he had passed, on the presumption of their having been obtained by illegal methods. He resented the caution of this assembly so highly as to term them, in a letter to his queen, his “ mungrel parliament.”

Ann. 1644.

peace of the kingdom, nor suffer them to be removed by any advantages, or prosperous success. It is manifest from the conduct of this assembly, that though they had exerted their utmost endeavors to support the royal cause, yet, in their own judgment, it was at the peril of the Liberties of the constitution, whose security they sacrificed to private interest, passion, and prejudice.—Having finished the business for which they were summoned, they were prorogued, on the sixteenth of April 1644, to the ensuing month of October, after having sat near three months *.

Fruitless negotiation of the count of Harcourt.

Parl. Hist. vol. XII. p. 442.

AMONGST the fruitless tentatives for a peace, which should reinstate the King in the possession of his prerogatives, the count of Harcourt was sent, with the title of ambassador-extraordinary, to England. After some conferences had passed between him and the King, he signified in writing to the earl of Northumberland, That, having proposed to his majesty, from the king and queen-regent of France, the making a peace with his subjects, he found him disposed to enter into negotiation; and that if both houses would

* They met on the first of January 1643. The house of Peers contained twice the number of members as voted at Westminster; the house of Commons consisted of about one hundred and forty.—On the very day of this meeting, there was a call of both houses at Westminster; when, in the house of Peers, remained only twenty-two members; in the house of Commons there were present two hundred and eighty; one hundred were employed in the service of the parliament in the several counties. The parliament had taken the advantage of their new great seal to supply the place of those members of the lower house who had deserted the service, and at this time expelled fifty of their members. *Whitlock. Parl. Hist. vol. XIII. p. 28.*

let him (the count of Harcourt) know the cause Ann. 1644. which had obliged them to have recourse to arms, he would gladly interpose to pacify differences, by expedients the most conformable to the ancient laws, customs, and ordinances of this realm which could be proposed on all parts. To this impertinent interposition the parliament condescendingly answered *, That the Lords and Commons assembled in the parliament of England would always with due respect acknowledge such good affections as from the king his master, or the queen his mistress, should be at any time expressed to the King and realm of England; that they desired nothing more than such a peace as might as well procure honor and happiness to the King, as the preservation of the true reformed religion, the privileges of parliament, and the Liberty of the subject; and when the prince D'Harcourt should, from and in the name of the king his master, propose any thing to the Lords and Commons assembled in the parliament of England, they would do thereupon that which should be fit, and which should justify their proceedings to all the world. The court not caring

* The parliament, on two different occasions, shewed great spirit in their conduct to this ambassador. Walter Mountague, a Papist, and one of the queen's most active agents, attempted a passage to Oxford, by putting himself in a disguised character among the ambassador's retinue; but he had not been landed four-and-twenty hours before he was apprehended and committed to the Tower, and the parliament absolutely refused to deliver him up. On the count D'Harcourt's setting out for Oxford, his coach and baggage were searched for letters; and his packets being afterwards presented to the parliament for the obtaining passes for a safe-conduct, some suspected letters were taken out and opened. *Parl. Hist.* vol. XII. p. 413, & seq.

Ann. 1644. to own the two houses for a parliament, no credentials were produced; and thus finished this frivolous business *.

Invasion of
the Scots.

Feb. 22.

THE military operations of this year were begun by the Scots, who, having entered England at the close of the year 1643, very early in the spring summoned the town of Newcastle to surrender: The town of Newcastle standing upon its defence, they passed the Tyne and advanced forward. The marquis of Newcastle, with an army of fourteen thousand men,

* Clarendon says, That the King was much disappointed in the effects of this embassy; that he expected the court of France would by this ambassador have made a brisk declaration on his behalf, and, if the parliament did not return to their regular obedience, that they should have found no correspondence or reception in that kingdom; and that they would really assist his majesty in such manner as he should propose: But that, contrary to these hopes, the ambassador, after a journey or two to Oxford, and some perfunctory addresses to the two houses, returned to France *re infecta*, and without the least expression of dislike, on his master's behalf, of their proceeding. We are told by the same author, that the court of France dexterously avoided entering into a league offensive and defensive with the King, on the pretext that it would not appear a generous thing to press the King, in his distress, to an act which he had made scruple of consenting to heretofore, when both crowns were equally prosperous; and that the King's great expectations on the part of France were grounded on the deceases of cardinal Richelieu and his master, the late king of France; on the change of the French ministry, and the personal kindness which the queen-regent had expressed for the queen of England; on the revocation of Monsieur la Ferte Senneterre, who had been long resident in England, and strongly connected with the parliament, recalled at this time by the particular desire of Charles, whose queen was complimented with the nomination of the person to be employed in his place. *Clar. Hist.* vol. II. p. 308, & seq.

har-

harrassed them in their march by frequent skirmishes, Ann. 1644. and at length retired to Durham. To this place he was followed by the Scots, who began to be reduced to difficulties for forage and provision, when, on the alarm of a great victory gained by Sir Thomas Fairfax in Yorkshire, the earl of Newcastle, apprehensive for the city of York, and that himself should be enclosed between two armies, made a sudden retreat.

TOWARDS the end of the month of November in the last year, when, from the roughness of the season, the parliament's ships could no longer attend that coast, a large number of Irish, both Protestants and Papists, landed at Mostyn in North-Wales: They had been sent over by the marquis of Ormond to assist the King; and were put under the command of the lord Byron *. After taking the castles of Lewarden, Beeston, Acton, and Dedington-House, they defeated a considerable body of the parliament troops, gathered together at Middlewich, and laid siege to Nantwich, the only remaining place which held for the parliament. To prevent their farther progress, Sir Thomas Fairfax assembled, in Yorkshire and the adjacent parts, an army of three thousand men, and, joining with Sir William Brereton, and other scattered troops, who had been routed at Middlewich, advanced to Nantwich. The royalist army, insolent with their victories, had entertained a profound contempt for the parliamentary

Military
operations.

* The Irish troops were notorious, even among the King's forces, for the spoil and cruelties they committed. *Whitlock.*

forces,

Ann. 1644. forces, and carried on the siege without making any motion to receive the enemy. On finding that Sir Thomas Fairfax was come with a resolution to fight, they began to draw off; but a sudden thaw so swelled a little river which divided their army, that the general, with the greatest part of the horse and some of the foot, was compelled to march four or five miles before he could unite his forces: The weaker division of his army being charged by Sir Thomas Fairfax on the one side, and by the town on the other, was immediately broken; whilst himself, not caring to venture an encounter, retired, with the horse and foot under his command, to Chester.——Sir Thomas Fairfax, after this victory, by which he had taken prisoners near fifteen hundred common soldiers *, with their officers, returned to Yorkshire, where he attacked and routed, at Selby, colonel Bellasis, son to the lord Falconbridge, whom the earl of Newcastle had left with a considerable command. This was the alarm which called back the earl of Newcastle from attending the Scotch army; who finding themselves at liberty to advance, joined the forces under the command of the lord Fairfax, and sat down before the city of York.

April 11.

* The Irish forces, on whose assistance in this campaign the King had so much depended, and for which he had hurried on the cessation, never did him the smallest service, but were all cut off and dispersed in different places. Besides the numbers who were destroyed and taken prisoners in this engagement, fifteen hundred were cast away at sea; and a great many of those who were not Papists refused to fight against their fellow Protestants, and joined the parliament forces.
Whitlock.

SIR Ralph Hopton, now made a peer, with an Ann. 1644. army of six thousand men, encouraged by a party of malecontents, endeavored to break into Suffex, Kent, and the southern association; but was met by Sir William Waller at Cherington-Down, between Farnham and Winchester, and received a considerable defeat.

By the zeal of the city, which had never failed the party on any important occasion, the forces under the commands of the earl of Essex and Sir William Waller were completed on a better footing than had been established by ordinance*; and as the King's army was considerably lessened and disheartened by the defeat of the lord Hopton†, and the parliament having now nothing to fear from his party in the North, they gave their two generals, Essex and Waller, directions to march with their combined forces to Oxford, and either to fight the King, or, if he shut himself up in that city, to lay siege to it; and thus, by one enterprize, to put a period to the war. Contrary to a former council, in which it had been resolved to reinforce the garrisons of Oxford, Wallingford, Abingdon, Reading, and Banbury, with the foot, whilst a flying party of horse should keep about Ox-

* The army under the command of the earl of Essex consisted of twelve thousand foot and three thousand horse; and that under the command of Sir William Waller, of seven thousand foot and fifteen hundred horse and dragoons.

† The lord Hopton's army consisted of troops drawn out of several garrisons, two Irish regiments of foot, two regiments raised by Sir John Berkeley in Devonshire, and a large detachment from the army which attended the King.

ford,

Ann. 1644.

ford, and the remainder be sent to reinforce the army under prince Maurice in the West, the King, on the fame of the great preparations made by the parliament, drew his garrison out of Reading, and demolished its fortifications; and, with the addition of these troops, retired to his quarters at Oxford *. The earl of Essex, after sending out a party to take possession of Reading, advanced to Abingdon, which being immediately abandoned by the King's foot, and Waller making the same advances on the other side, Oxford became enclosed between the two armies. The King, who was now regarded as a prisoner, taking the advantage of a dark night, dexterously passed between the enemies' forces, and, with his whole party of horse and a small body of foot, marched first to North Lye, from thence to Bourton on the Water, and by Evesham to Worcester. In case the King left Oxford, the parliament had directed the earl of Essex to follow him with his army, and Waller to march into the West; but, contrary to these orders, Essex left the pursuit of the King to Waller, and took upon himself to prosecute the western expedition. Whilst the two generals were disputing this business, they suffered the King to get two full days march of them; but at length Waller, though he complained bitterly of Essex's usage, prepared himself for the service; and in his pursuit of the enemy took Sudley-Castle, an house belonging to the lord Chandois, with two hundred and fifty prisoners.

* With the addition of the Reading garrison, the King's army amounted to eight thousand five hundred foot and four thousand horse.

Charles,

Charles, after refreshing his little army at Worcester, Ann. 1644. went to Bewdley, and, amusing Waller with the expectation that he intended to march to Shrewsbury, where his interest was strong, and where he could easily join prince Rupert, returned back to Oxford, leaving Waller, who, on the King's feint, had marched to Shrewsbury, two days journey behind him, in a heavy country.

THE King's situation was now so entirely altered, that, after reinforcing his army from the garrison at Oxford, he went, in his turn, in pursuit of Waller. The two armies met, and fought at Cropedy-Bridge, near Banbury; when the King gained so considerable an advantage *, that, having disabled Waller from any farther pursuit, he marched after Essex into the West, to free the queen from the apprehension of being besieged in Exeter, to which place she had retired to avoid a similar fate at Oxford.

IN the West, the earl of Essex had obliged prince Maurice to raise the siege of Lyme †; and, finding no equal opposition, reduced Dorchester, Weymouth, Taunton, and Barnstable to the obedience of the parliament. On the report of the King's motions, Essex,

* Clarendon says, That the distrust the King had of the temper of his own army, prevented him from pursuing his advantage over Waller to a complete victory. *Clar. Hist.* vol. II. p. 387.

† A small town, before which he had in vain consumed a considerable portion of time. The parliament complimented this town with a gratuity of two thousand pounds, as a reward for the brave defence they had made. *Whitlock.*

Ann. 1644.

Distresses of
the earl of
Essex and
his army.

contrary to his better judgment, instead of advancing forward to meet the royal army, on the advice of his field-marshal, the lord Roberts, whose estate lay all in Cornwall, and who positively affirmed the Cornish men would take the first favorable opportunity to declare for the parliament, retired into that country, whither he was followed by the King; who, having reinforced his army from all quarters, and particularly by the Cornish people, on whom Essex had been persuaded to depend, became infinitely superior to the enemy, whom he soon found means to enclose in a narrow corner of the country, about Lestithiel. Essex, deprived of forage and provision, and pressed on all sides by the royal forces, was reduced to the last extremities: On seeing no hopes of succor, himself and some of the principal officers escaped in a boat to Plymouth. Balfour, with the horse, through the negligence or treachery of the King's guards, by the advantage of a mist, got safely to the parliament garrisons; but the foot under Skippon were obliged to surrender their arms, artillery, baggage, and ammunition *.—The King had taken the advantage of the extremities to which he had reduced the earl of Essex, to tempt him from his fidelity to the parliament: With the most flattering assurances of royal favor, a messenger was sent to persuade him to a conjunction with the King; and, though he returned

* On Skippon's observing that some of his men, contrary to articles, were pillaged by the royalists, he rode up to the King, and told him, That the non-performance of his articles was against his honor and justice; and withal requested him to give orders to restrain his troops.
Whitlock.

answer

answer that he would not enter into a treaty without a commission from the parliament, yet, two days after, another letter, on the same subject, and attended with the same success, was sent him, signed by prince Maurice and all the general officers *.——Colonel Middleton, with two thousand five hundred horse and dragoons, had been detached by the committee of the two kingdoms to the relief of Essex, but came too late to prevent his disgrace; which, at this time, for politic reasons, was so little resented by the parliament, that, notwithstanding the provocations he had given them by refusing to obey their repeated orders to desist from his western enterprize, when the news arrived of his defeat, they voted him thanks for his fidelity, courage, and conduct.

THE King's management, from the time he was surrounded by his enemies in Oxford to the defeat of the earl of Essex, was in no degree inferior to any military genius which had been displayed during the whole course of the war. But whilst he was, with success and ability, struggling with the superior power

* Wilmot, lieutenant-general of the King's horse, who had been lately created a peer, was arrested at the head of the troops he commanded, and sent prisoner to Exeter, for having promoted among the officers a petition for peace, and for having held correspondence with the earl of Essex, informing him of the strong disposition there was in the King's army for an accommodation. This treatment of Wilmot, who was a great favorite of the army, and whom it was thought Charles had a lurking resentment against, produced from the officers an address, desiring his majesty would inform them of the crimes with which Wilmot was accused. Clarendon owns that the King had not forgiven Wilmot the part he had acted against the earl of Strafford.

Ann. 1644.

of his enemies in the South and West, his affairs were ruined in the North, from the intemperate rashness of his own party, and the greater dexterity and zeal of his adversaries. The lord Willoughby of Parham and Sir John Meldrum, with an army of five thousand men, laid siege to Newark (a considerable town in Nottinghamshire); whilst three armies, under the earl of Leven, the earl of Manchester, and the lord Fairfax, blockaded the city of York. The royalists, unable to draw any party into the field strong enough to resist the power of their enemies, had recourse to prince Rupert, who, marching from Chester with seven thousand men, advanced so quickly to Newark, that he surprised the enemies' army, and, after killing five hundred of them, obliged the rest to surrender their fire-arms, and to depart without carriage or baggage. Gainsborough, Lincoln, and Slyford, on the fame of this victory, were quitted to him by the parliament's forces. He relieved Latham-House, which had been besieged by a body of two thousand men, and defended by the countess of Derby eighteen weeks; reduced Bolton, where he barbarously put the garrison to the sword; seized Liverpool without resistance; and from thence advanced to York, with an army increased to ten thousand men. The marquis of Newcastle *, after having retarded the progress of the siege seven or eight days, by overtures of a treaty on high conditions, began to be reduced to great necessities; when, on the thirtieth of June, he had intelligence that prince Rupert was marching to his assist-

* Made a marquis the twenty-seventh of October in the last year.

ance :

ance: The three parliament generals, uniting their Ann. 1644. armies, retired to Marston-Moor; and thus leaving two sides of York open for the reception of troops, provision, and ammunition, did effectually raise the siege. It is reported, that there was at this time great animosities between them; that the untowardly manners of the Scots, with their insatiable avarice, had rendered them very odious to their comrades; that, being disappointed of the plunder they had expected, they began to talk of returning to their own country; and that the three armies were on the point of separation, when prince Rupert, instead of being contented with the reputation he had acquired in the relief of York, and the real service he had thereby rendered his uncle, instead of directing his conduct by the motions of his enemies, on his repair to York, without deigning to ask the advice, or even to confer with the marquis of Newcastle, he signified to him in a peremptory manner, that, according to the King's commands, he intended to fight the enemy: In vain did the marquis endeavor to persuade him to be content with having so successfully effected the relief of York; in vain did he assure him, that the mutual dissensions which had taken place among the enemy would in a few days secure to him, without hazard, a bloodless victory; in vain did he press him at least to desist from his intention till the arrival of five thousand men, which were daily expected from the North: The haughty intemperate prince, taking upon himself the chief command, ordered the garrison to be in readiness to join him the next morning. According to the account given by Sir Thomas Fairfax, the Scots,

Ann. 1644.

Battle of
Marston-
Moor.

Scots, on perceiving the prince's intention to fight, were for retreating; and the combined armies were actually drawing off towards Tadcaster, when Sir Thomas Fairfax and Oliver Cromwell (lieutenant-general to the earl of Manchester) who were appointed to bring up the rear, on finding the enemy approach, made a stand, and sent to entreat their comrades to return, lest the enemy, by charging whilst they were in a posture of retreat, should put them in disorder: Each side now prepared themselves for a contest, which, in all probability, was to determine the event of the war. The prince's army consisted of fourteen thousand foot and nine thousand horse; its main body was commanded by the generals Goring, Porter, and Tellier; the prince headed the right wing, and Sir Charles Lucas and colonel Hurry the left. The main body of the parliament armies, which were at least equal to the prince's in number, was commanded by the three generals, the earls of Manchester and Leven and the lord Fairfax; the right wing was headed by Sir Thomas Fairfax, and the left by Oliver Cromwell. The charge was begun with such courage and intrepidity by the left wing of the parliament's army, that prince Rupert, contrary to his usual fortune, was worsted; the right wing did not meet with equal success; but, after an engagement of above three hours, in which fortune frequently changed sides, victory wholly inclined to the parliament *. Four thousand

* Among the mediators for a peace between the King and the parliament, were ambassadors from the states-general of the United Provinces. They at first declined acknowledging, in a full and satisfactory manner, the two houses at Westminster for the parliament of England; but,

royalists were slain, fifteen hundred taken prisoners' Ann. 1644. with the whole train of artillery. The parliament lost three hundred common soldiers; their officers, who had behaved very gallantly, were many of them hurt, but few of them mortally: Amongst these were the magnanimous family of the Fairfax's; Charles Fairfax, brother to Sir Thomas, died in three or four days, of the wounds he had received; and major Fairfax, a more distant relation, some time after.

THE loss of this battle was the most considerable blow which the King, during the whole contest, had sustained; and the succeeding frantic conduct of his two generals, Rupert and Newcastle, completed the ruin of his fortunes. Equally vain and intemperate,

but, after several fruitless attempts to persuade the parliament to accept, on these terms, their mediation, they at length presented a memorial, which contained a full acknowledgment of the two houses for the parliament. The parliament did not at first return them any answer; but on their demanding an audience, it was granted them. They were received in great state by both houses; yet the parliament, considering them as influenced by the prince of Orange, rejected their repeated offers of mediation.—On a demanded audience from Sabran, an agent of the French king, the parliament had directed for his reception a less pompous ceremony than that with which they had received the ambassadors of the States-General. This offended the Frenchman so much, that he declined the audience, saying, He thought that the agent of so great a king as was his master, deserved as much respect as the ambassadors of so petty a state as was that of Holland. The parliament, who had by this time obtained a good deal of the rationalness of republican principles, paid no attention to these scruples. Sabran had sent a petition to the speaker concerning matters of trade; and had received for answer, That when addresses should be made to both houses, as a parliament, they would do according to right. *Rushworth. Husbands's Collections. Whitlock.*

in

Ann. 1644.

and equally disappointed in their ambitious hopes, the very morning after the battle the following fullen messages passed between them: The prince sent the marquis word, That he was determined to march away immediately with his army towards the King; the marquis returned answer, That he was determined to retire from his command, and, without loss of time, to leave the kingdom *:

* To the marquis's activity and readiness to serve the royal cause, the King had not only owed the possession of Newcastle, when destitute of any port-town, but the preservation of the city of York itself, and the uniting and raising a party which had given him almost the entire command of the northern parts. The behaviour of prince Rupert, to a nobleman from whose services his uncle had received such considerable advantage, gives a lively idea of royal arrogance and ingratitude; since it is impossible to suppose, that so dependant a man as was the prince, would have ventured on such an insolent conduct, without being certain of the King's countenance and protection. It was in this light it was resented by the marquis, who, disdaining any post which the prince should assign him, engaged in the battle as a volunteer; and the morning after repaired to Scarborough, where himself, his brother, his two sons, King (his lieutenant-general), five other noblemen, with Bramhall bishop of Londonderry, and two commoners, embarked in a small vessel for Hamburgh.

The earl of Clarendon, in a whimsical style of panegyric, gives the following account of the marquis's politics: "He loved monarchy, says he, as it was the foundation of his own greatness; and the church, as it was well constituted for the splendor and security of the crown; and religion, as it maintained that order and obedience which was necessary to both." Motives of mistaken selfishness, a few bigots excepted, may, I believe, be very justly ascribed to all those who embarked in the royal cause; but sure this noble historian is the first moralist who ever gave them as laudable essentials to the principles of conduct. As the marquis was excited by ambitious motives to venture his person and fortune in the service of the crown, so the same affections prevented his being essentially useful to the royal cause.—It is said, that the circumstance which determined the King to the siege of Gloucester,

These intentions were with the same precipitation Ann. 1644. executed as formed. The city of York, thus aban-

Glocester, rather than to advance to London, was Newcastle's declining to join him. Sir Philip Warwic, who was sent to him on a commission from the King to persuade him to march southerly, says, That the marquis apprehended nothing more than to be associated to the King's army; that he designed himself to be the man who should turn the scale, and to be a self-subsisting and distinct army wherever he was. Lord Clarendon tells us, That he liked the pomp and absolute authority of a general well, and preserved the dignity of it to the full; but the substantial part and fatigue of a general he did not in any degree understand, nor could submit to, but referred all matters of that nature to the discretion of his lieutenant-general King; that actions of war were no sooner over than he retired to his delightful company Music, or his softer pleasures, to all which he was so indulgent, and to his ease, that he would not be interrupted upon what occasion soever, in-
 somuch as he sometimes denied admission to the chiefest officers of the army, even to his lieutenant-general, from whence many inconveniencies fell out; that from the beginning he was without any reverence for the privy-council, but was of the other soldiers mind, that all the business ought to be done by councils of war, and was always angry when there were any overtures of a treaty, *i. e.* at any interruption to the King's establishing an absolute authority by conquest. It is for this conduct, these inclinations, these and such-like qualifications, that the marquis of Newcastle is styled, by writers of the same principles and the same judgment as the earl of Clarendon, "A great patriot, a man of science, and an accomplished fine gentleman." His virtues are related at large in a romantic history written of him by his second wife; who puts in her claim for science and philosophy, and was equally with her husband, as lord Clarendon styles it, amorous in poetry. This female biographer acquaints us with very trifling anecdotes concerning her hero, as in what sort of coach he went into Amsterdam, compares him to Julius Cæsar, and, among his illustrious actions, details three expensive entertainments, to the amount of twenty thousand pounds, with which he regaled the royal family. What a picture of foolish nobility, says Mr. Walpole, was this stately poetic couple, retired to their own little domain, and intoxicating one another with circumstantial flattery? The lord Fairfax, in an answer to one of the marquis's declarations, ridicules his romantic genius; but it was

Ann. 1644.
The city of
York and
Newcastle
taken by the
parliament's
forces.

done, was obliged to surrender in a few days, and the parliament's authority in this county now established without opposition. The earl of Manchester returned to the eastern association. The Scots, marching northward, joined ten thousand additional forces under the command of the earl of Calendar, and in a short time took Newcastle by storm; a circumstance of important consequence to the city of London, whose inhabitants had been greatly distressed by the deprivation of the fire fuel with which they were wont to be supplied from that town *.

THE King, notwithstanding the ruin of his affairs in the North, and the advantages the parliament had gained in the midland counties, flattered himself that his victory in the West, with the dissensions which every day encreased among his enemies, would produce a strong convulsion in his favor. Full of the flattering assurances that the people in general wished for an opportunity to free themselves from the power of the parliament, he set forth a proclamation, in which he declared an intention to draw with his army towards London and the southern and eastern counties; required his subjects of those parts through which he should pass, to prepare themselves with the best arms they could get, to be ready to join him;

so much admired at court, that the King pitched upon him as the properest person in the kingdom to educate his son. *Clar. Hist. Warwick's Memoirs. Walpole's Noble Authors.*

* The parliament had, on this occasion, passed an ordinance for the cutting and drying turf, on the lands near London, for fuel for the citizens. *Whitlock.*

authorised

authorised those of the southern and eastern counties, Ann. 1644. and the train-bands of London, to chuse loyal commanders; and required them at his approach to put themselves in arms, and assist him in his endeavors to restore the public peace. So trifling were the effects produced by this proclamation, that the King's army diminishing instead of encreasing in his march, he was obliged to lay aside all thoughts of a triumphant entry into the capital, and to content himself with returning to his old quarters at Oxford; a measure which, through the activity of the parliament, he found difficult to execute. During the period of six weeks that the King was on his march from the West, they had refurnished the earl of Essex's foot with arms, recruited his army with men, and enlarged it by the forces they had sent under the command of Middleton and a detachment of the city brigade, consisting of five thousand men; Sir William Waller they had re-enabled to take the field; and the earl of Manchester, after his northern expedition, had orders to join the forces of Essex and Waller, and to interrupt the King in his retreat at Newberry, where he had fortified himself. He was attacked by the combined Second battle of Newberry. armies: His troops defended themselves with valor; but being very unequal in numbers to the enemy, the night, coming seasonably to their relief, alone prevented their total overthrow. Before the returning morn, the King had retreated to Wallingford, and from thence to Oxford: Here being joined by prince Rupert and the earl of Northampton, with considerable bodies of cavalry, he ventured to advance

Ann. 1644.

towards the enemy. The earl of Manchester, who commanded in chief, on account of a sickness, either real or pretended, which had prevented the earl of Essex from appearing in that character ever since his defeat in Cornwall, declined an engagement, though earnestly pressed by Oliver Cromwell (his lieutenant-general) not to neglect so favorable an opportunity of putting a period to the war. The parliament commanders, after having first suffered the King to make a safe retreat from their victorious troops *, now permitted him, in the face of their army, to bring off his carriage and baggage which he had left behind him at Dennington-Castle.——After this battle at Newberry, so inglorious and unprofitable to the parliament, the forces on both sides retired to winter-quarters: And thus ended the campaign of the year sixteen hundred and forty-four.

Propositions
of peace.

WHILST both parties were thus vindicating their several claims by the sword, they did not fail, as usual, to amuse the people with the expectation of a sudden peace, and themselves with the hopes of obtaining by treaty, what neither side had yet been able to gain by contest. Three several messages had been sent by the King with overtures of peace; but without relaxing so much of his pretensions as to own the two houses for a parliament. The parliament, who had been all this summer preparing propositions, now

* The moon was at the full when the King, after his defeat at Newberry, retreated to Oxford.

sent

sent them to the King * ; and, to shew the people Ann. 1644.

* The substance of the propositions.

That all declarations, &c. against both or either houses of the parliament of England, or the convention of estates in Scotland, should be declared void.

That the King should swear and sign the league and covenant ; and that the subjects' taking it should be enjoined by act of parliament.

That the hierarchy should be abolished by act of parliament ; with articles concerning the estates of prelates.

That the ordinance relative to the calling and sitting of the assembly of divines should be confirmed by act of parliament.

That reformation of religion, according to the sense of parliament and the church and kingdom of Scotland, should be settled by act of parliament.

Two acts of parliament for the more effectual disabling Popish recusants from disturbing the state.

An act for the education of the children of Papists in the Protestant religion.

An act for the true levying the penalties against them.

The like for the kingdom of Scotland.

That an act should be passed for the due observation of the Lord's day.

For the suppression of innovations in the worship of God.

Against the enjoying pluralities and non-residency.

For the reforming and regulating both universities, with the colleges of Westminster, Winchester, and Eton.

For the suppressing interludes and stage-plays.

For the taking the accounts of the kingdom.

For the relief of sick and maimed soldiers, with the widows and children of soldiers.

For raising money for the satisfying the public debts and damages of the kingdom.

For the taking away the court of wards and liveries.

For the taking away all tenures by homage, fines, licences, seizures, and pardons of alienation, in consideration of one hundred thousand pounds a year.

That an act should be passed in the parliament of Scotland, ratifying the acts of the convention of the estates of Scotland.

Three

Ann. 1644. they were more sincere than his majesty in their in-

Three articles, which except particular persons from pardon, with all Popish recusants who had taken up arms, or had been assisting against the parliament, and all those who had had any hand in the plotting, designing, or assisting the Irish rebellion.

That the members who had deserted the parliament, and concurred in the votes at Oxford, should be removed from his majesty's counsels, be restrained from coming within the verge of the court, and that they should not, without the consent of both kingdoms, bear any office concerning the state and commonwealth.

That all judges, &c. who had deserted the parliament, should not be capable of any office or employment.

Several articles regulating the confiscation of the goods and the fines of delinquents.

That an act should be passed in the parliament of both kingdoms for confirmation of the treaties which had passed between them.

That an act should be passed to make void the cessation of Ireland, and to settle the prosecution of the war.

That the joint declaration of both kingdoms, bearing date the thirtieth of January 1643, should be established by act of parliament.

That an act should be passed, according to the sense of parliament, to train the subjects to arms.

That an act should be passed, according to the sense of parliament, for the settling the admiralty and naval forces; and the like for the kingdom of Scotland.

That an act should be passed for the settling of all forces, both by sea and land, in commissioners, to be nominated by both houses.

Several articles regulating the powers of these commissioners.

That the commissioners of both kingdoms should be allowed to meet as a joint committee to preserve the peace between the kingdoms, to prevent the violation of the articles of the peace, to raise and join the forces of both kingdoms, to resist all foreign invasion, and to order the war of Ireland.

That his majesty should give his assent to what the two kingdoms should agree upon in prosecution of the articles of the large treaty, not yet finished.

That all peers made since the day the great seal was conveyed to Oxford, should not sit or vote in the parliament of England, without the consent of both houses.

That

clinations to restore the public tranquillity, they ac- Ann. 1644.

That the chief governor or governors of Ireland, with all the great officers of the crown of England, should be nominated by both houses of parliament.

An article concerning the education of the royal family in the Protestant religion; that their governors and tutors should be chosen by the parliaments of both kingdoms; that the males should be married to Protestants, and the females by the advice and consent of both parliaments.

An article concerning the uniting the Protestant states, and for the entire restitution of the prince elector palatine to his electoral dignity and dominions, with the exclusion of prince Rupert and prince Maurice, and their children.

That the conclusion of peace or war with foreign states should be with the advice of both parliaments.

That an act of oblivion should be passed in the parliaments of both kingdoms respectively, relative to the qualifications in the fore-mentioned propositions.

For the restoration of those members of parliament to their places and offices, who had been displaced for their adherence to parliament.

That the armies should be disbanded at such time, and in such manner, as should be agreed on by the parliaments of both kingdoms.

That an act should be passed for the granting and confirming the charters, customs, &c. of the city of London; that the militia of the city of London, and the parishes without, should be in the ordering and government of the lord-mayor, aldermen, and common-council; that the Tower of London should be in the government of the city of London, and the chief officer and governor thereof should be from time to time nominated and removable by the common-council; that the citizens or forces of London should not be drawn out of the city without their own consent; that it should be in the lord-mayor, aldermen, and common-council to regulate the continuing and calling of common-councils; and that such other propositions as should be made for the city for their farther security, welfare, and government, which should be approved by parliament, should be confirmed by act of parliament.

cepted

Ann. 1644. cepted of a safe-conduct for their commissioners * as to private persons. When these repaired to Oxford, they were received by the King with a coldness which bordered on rudeness: The accommodations prepared for them were worse than indifferent †; and on the King's finding they had no power to bring matters to a conclusion, they were treated with uncivil language ‡.—The diffensions which every day encreased in parliament, and on which the King had so

* The earl of Denbigh, lords Maynard, Wenman, Maitland, the hon. Denzil Hollis, the hon. William Pierrepont, Sir Charles Erskyn, Bulstrode Whitlock, Esq; Mr. Robert Barclay. *Parl. Hist.* vol. XIII. p. 330.

† Whitlock, in his account of this embassy, says, That at Wallingford, Blake (the governor of the garrison) treated them with so much haughtiness and incivility, and such high words passed between him and the lord Denbigh, that lord Maitland turned pale, and he and other of the commissioners feared they should have their throats cut by the garrison; that when they arrived at the gates of Oxford, they were suffered to remain three or four hours in the open field before they gained admittance, though the weather was both wet and cold; that as they passed along the streets, the vulgar sort, for whose rights and liberties they had, as he observed, undergone great hazards, reviled them with the appellation of traitors, rogues, and rebels; and that the quarters provided for them was a mean inn, a little degree above an alehouse, in which retreat their servants were abused so grossly by the King's officers, that the whole company began to fear there was some design laid against their lives. *Whitlock.*

‡ They were told, that a letter-carrier might have done as well; were refused other than a written answer, sealed up, without a direction; and, on their demanding a copy, were answered, they had no business with it, they were to carry what his majesty sent, were it the song of Robin Hood and Little John. Whitlock says, That the commissioners were much dissatisfied with their treatment, and wondered at the little policy of the King's behaviour.

much

much presumed, occasioned this assembly to pass over Ann. 1644. these affronts, and, on condition that it was asked of them as the parliament of England, to assent to what the King demanded, viz. the granting a passport for the duke of Richmond and the earl of Southampton to come to London with an answer to their propositions. To humor the strong inclinations of his party to a peace, and under the shelter of a mean subterfuge*, the King complied with this demand: But, on the repair of the two peers to London, it was found they were sent on other business than that which the King had pretended; seeing the message they brought was, that his majesty found it very difficult, before a full debate, to return an answer to the parliament's propositions; but if they would appoint commissioners, he would nominate the like number to treat with them, at any place which should be agreed on. The arrival of two peers on so frivolous an errand gave such disgust to the parliament, that they strictly enjoined their members not to visit or

* The queen, on the earl of Essex's repair to the West, having in vain solicited him for a safe-conduct to Bath, retired from Exeter to Paris. On receiving an account of the treaty's taking place, she, in a letter to the King, upbraided him with acknowledging the two houses at Westminster to be the parliament of England. To this the King returned, "As for my calling those at London a parliament, I shall refer thee to Digby for particular satisfaction of this in general; if there had been but two besides myself of my opinion, I had not done it; and the argument which prevailed with me was, that the calling did no way acknowledge them to be a parliament: Upon this condition and construction I did call them, but no otherwise; and accordingly it is registered in the council-books, with the council's unanimous approbation. But thou wilt find that it was by misfortune, not by neglect, that thou hast been no sooner advertised of it."

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keep any correspondence with them, without leave *.

—After many debates and deliberations †, the following articles were proposed by the parliament, and consented to by the King: That their commissioners should meet with his at Uxbridge, a town in the parliament's quarters, between London and Oxford; that the conferences should begin on the thirtieth of January, and should last twenty days; that the propositions on both sides should be reduced to three heads, viz. religion, the militia, and Ireland; and that each of these should alternately be treated on, three days and three days, till the expiration of the term fixed for the continuance of the treaty. "Know, as a certain truth, says the King in a letter to his queen, that all, even my party, are strangely impatient for peace, which obliged me so much the more on all occasions to shew my real intentions to it; and likewise, I am put in very good hope, some hold it a certainty, that if I should come to a fair treaty, the ring-leading rebels could not hinder me from a good

* Though the King's two messengers pleaded his commands not to depart from London till they should receive orders from him, yet the parliament would not let them remain in the capital during the settling the particulars of a treaty. Whitlock observes, That these lords, and all their attendants, were treated in a very different manner from what the parliament's commissioners were at Oxford; that is, they were used civilly. *Parl. Hist.* vol. XIII. p. 356. *Whitlock.*

† The parliament, according to their declaration, that all patents of honor which had passed under the great-seal since the King left Oxford should be void, refused in their safe-conduct to give any other titles to the King's commissioners than those they had held before he left London. This occasioned a great interruption; but at length the King waved his objection to the safe-conduct, on the parliament's acknowledging his power of making knights.

peace;

peace; first, because their own party are almost weary Ann. 1644. of the war, and likewise for the great distractions which at this time are most assuredly amongst themselves, as Presbyterians against Independents in point of religion, and general against general in point of command." Agreeable to these fond expectations were the instructions given by the King to his commissioners: "For religion, says he, I must declare unto you, that I cannot yield to the change of the government by bishops, not only as I concur with the general opinion of Christians in all ages, that it is the best, but I likewise hold myself bound, by the oath I took at my coronation, not to alter the government of this church from what I found it; and as for the church's patrimony, I cannot suffer any diminution or alienation of it, it being without peradventure sacrilege, and likewise contrary to my coronation-oath: But whatsoever shall be offered for rectifying abuses, if any have crept in, or yet for the ease of tender consciences, so that it endamage not the foundation, I am content to hear, and will be ready to give a gracious answer thereunto. For the second, as it is the King's duty to protect the church, so it is the church's to assist the King in the maintenance of his just authority; wherefore my predecessors have been always careful, especially since the Reformation, to keep the dependance of the clergy entirely upon the crown; therefore you must do nothing to change or lessen this dependancy. After conscience, the militia is certainly the fittest subject for a king's quarrel; for without it the kingly power is but a shadow, and therefore upon no means to be quitted, but to be

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maintained according to the ancient known laws of the land. As for Ireland, I confess they have very specious popular arguments to press this point; the gaining of no article is more conducing to their ends than this; and I have as much reason, in both honor and policy, to take care how to answer this as any: All the world knows the imminent inevitable necessity which caused me to make the Irish cessation, and there remain yet as strong reasons for the concluding that peace; wherefore you must consent to nothing to hinder me therein, until a clear way be shewn me how my Protestant subjects there may, probably at least, defend themselves, and that I shall have no more need to defend my conscience and my crown from the injuries of this rebellion." On comparing these instructions with the present power of the parliament, and the propositions they had transmitted to Oxford, it will be easy to foresee the event of the Uxbridge conference; which served no other purpose than to expose the King's obstinacy, and the formal stiff impertinence of his commissioners *.

* The commissioners on the King's side were, the duke of Richmond, the marquis of Hertford, the earls of Southampton, Kingston, and Chichester, the lords Capel, Seymour, Hatton, and Colepeper, Sir Edward Hyde (chancellor of the exchequer), secretary Nicholas, Sir Edward Lane, Sir Thomas Gardener, Sir Orlando Bridgman, John Ashburnham, Jeoffrey Palmer, Esqs. Dr. Stewart, Dr. Lancy, Dr. Sheldon. The commissioners for the parliament and the Scots were, the marquis of Argyle, the earls of Northumberland, Pembroke, Salisbury, Denbigh, and Loudon, lords Wenman, Maitland, Balmerino, the honorable Denzil Holles, the honorable William Pierrepont, Sir Henry Vane junior, Oliver St. John, Bulstrode Whitlock, John Crew, Edmund Prideaux, Esqs. Johnson, Erskyn, Dundas, Smith, Kennedy, Berkeley, Henderson.

It is from Sir Edward Hyde's elaborate pen, who makes himself the hero of the treaty, that we have handed down the following particulars. One Dr. Stewart, on the part of the King, and Henderson (the moderator of the Scotch assembly), on the part of the parliament, first entered the lists on the subject of religion. Henderson asserted, That the consideration of the assembly ought not to run upon the orthodoxy or legality of particular forms of religion, but upon the necessity of giving that government to the church which would preserve the existence of the state: Religion, he said, might be preserved without bishops; that the difference between episcopacy and presbytery was immaterial, compared to the dreadful consequences which would ensue from the King's adhering to the former, after the two houses, on account of the evils which the pernicious counsels of prelates had, within ten years, brought upon the state, had unanimously resolved against it. He farther urged, That no foreign reformed church looked upon episcopacy as being of divine right; and that, had the King himself considered it as such, his conscience would not have permitted him to consent to the entire abolition of the episcopal order in Scotland. To this moderate, sensible discourse Dr. Stewart opposed the antiquity of episcopacy; the great advantages it had been to Christianity in its early ages; the superiority which the church of England had over all the reformed churches; the indispensable necessity of the succession of bishops to transmit orders, without which there could be no sacraments; the descent of bishops from the apostles; the obligations the King had

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Ann. 1644. had upon his conscience to maintain episcopacy in England, both on account of his coronation-oath, and that the alienation of the church-lands would be direct sacrilege. As if reasons of policy were not sufficient to discard any form of government not clearly and absolutely ordained by God, Dr. Stewart triumphed greatly on Henderson's modesty, resting his argument on that point; and this occasioned the divines on both sides to pelt one another for near two whole days, with proofs that their several professions were *jure divino*, till the marquis of Hertford, to put an end to so fruitless a debate, gave it as his opinion, that no form of government whatever was *jure divino*; and requested that the argument might be left, and the debate on the particular proposals proceeded on.

—Fanaticism was not confined to the clergy: That profound venerator of bishops, Sir Edward Hyde, entered the lists with the earl of Loudon; but to so little purpose, that his antagonist complained of the mispent time, and lamented the pertinacious obstinacy of the King's commissioners, who, as they had not, he said, yielded in any one point of importance, could not bring with them that hearty inclination to peace which it was hoped they would have done.

ON the subject of the militia, the parliament commissioners stood upon the point of security, whilst the King's idly insisted upon what was formerly legal, according to the practice of ancient times, without regarding expediency, or what was necessary to be yielded, to finish the calamities which their principal, the King, had so much affected to lament. Sir Edward

ward Hyde was as forward to shew his knowledge in Ann. 1644. law as in divinity; but, on his throwing out his defiance on the topic of the King's legal power over the militia, he was much surpris'd to hear Whitlock offer to prove, that it was not entirely settled by the constitution in whose hands the sword ought to be lodged. As the debate on the subject of religion had spent much time to no purpose, the hearing of this was declined on a motion of the earl of Southampton; but the parliament's commissioners were so well pleased with Whitlock, that they thanked him for having vindicated the honor of the parliament in this important point.

To the strong things urged by the parliament against the Irish cessation, was retorted the little attention this assembly had shewn to the wants and security of the Protestants in that kingdom; and the false plea of Necessity was used to justify the King's conduct in regard to the destructive and infamous treaty he had concluded with the Irish rebels. On this fruitful subject, mutual reproaches were band'd from side to side; both facts and inferences were disputed, nor the least concession yielded by either party.

On the subject of the militia, the parliament receded so far from their proposition, as to offer to limit their power over it to the term of seven years from the time of passing the militia ordinance, or to three years after the peace should be settled in the three kingdoms, and should be so declared by the King and both houses; and that, after the expiration
of

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of such term, the militia should be established by the King in such manner as should be advised by parliament *. Considering the fears and jealousies which the whole party had entertained of the King, a concession of this importance, on an article of whose consequence they were all agreed on †, shews the parliament to be at this time very desirous of peace. Not so was the King, on any terms but those of a full re-establishment of his prerogatives ‡ : In vain did his friends represent to him the advantage of such an offer in the low condition of his affairs ; that it would procure him a chance of forming, during the intermediate period, a party in the parliament

* The parliament were informed of every particular step taken in this treaty, and no answer was given to the King's commissioners without their approbation. *Parl. Hist.* vol. XIII. p. 403.

† Clarendon says, That even those who most desired peace, both publicly and privately, insisted upon having the whole command of the militia by sea and land, and all the forts and ships of the kingdom at their disposal, without which they looked upon themselves as lost, and at the King's mercy. The utmost length the King would go in his concessions on this article was, that the militia should be entrusted for the term of seven years to twenty commissioners, half of whom were to be nominated by the King, and the other half by the parliament. This proposition was treated by the parliament with the contempt it deserved : They regarded it as a snare to entice them to give up their present superiorities, and thus to enable the King to renew the war to advantage.

‡ Whitlock says, That the King's commissioners did not deliver in their answer concerning the militia till the last point of time, when it might be conceived no answer could be made to it by the parliament's commissioners ; but that these, being impowered by their additional instructions to re-assume the business of the militia, according to the commands of the parliament, delivered in the proposals mentioned in the text.

which

which should restore him to his former privileges: Ann. 1644. Charles, wholly directed by the queen, who feared that the interest and persons of the Roman-Catholics would be sacrificed as a preliminary to the conclusion of a treaty *, absolutely refused the parliament's offer. And thus, when the debates had been carried on to no purpose during the assigned term, ended the treaty at Uxbridge †; and thus the King lost the fe-

* “ I understand the commissioners are arrived at London, writes the queen: I have nothing to say, but that you have a care of your honor, and that if you have a peace, it may be such as will hold, and, if it fall out otherwise, that you do not abandon those who have served you, for fear they do forsake you in your need. Also, I do not see how you can be in safety without a regiment of guards; for myself, I think I cannot be, seeing the malice they have against me and my religion, of which I hope you will have a care of both.”—The queen, in another letter, repeats her intreaties, or rather commands, neither to abandon Catholics nor bishops; and the King answers, He will do nothing unworthy of her love; that he will ever shew his constancy in adhering to bishops and all his friends; that he will not forget to put a short period to this perpetual parliament; and conjures her not to let any appearance of peace, or hopeful condition of his, make her neglect to hasten succor for him. He desires her to shew the French queen and ministry the improbability that the treaty should produce a peace, considering the great difference, if not contrariety of grounds between the rebels propositions and his; that he could not alter his, nor would they theirs, till they were out of hope to prevail by force, which a little assistance by the French queen's means would soon make them to be; that if ever he could put them to a defensive, which a reasonable sum of money would do, they would be soon brought to reason.

† The conclusion of this fruitless treaty, though lamented by all the moderate and sensible men of the King's party, who were his real friends, and no enemies to the constitution, was regarded by the King as a matter of rejoicing: “ Now if I do any thing unhandsome or disadvantageous to myself or friends, says he, it will be merely my own fault; for I confess, when I wrote last I was in fear to have been

Ann. 1644. cond opportunity which, since the commencement of the war, had been presented to him of a peaceful

pressed to make some mean overtures to renew the treaty, knowing there were great laborings to that purpose; but now I promise thee, if it be renewed, which I believe it will not without some eminent good success on my side, it shall be to my honor and advantage, I being now as well freed from the place of base and mutinous motions (that is to say, our mungrel parliament here) as of the chief causers; from whom I may expect to be chidden by thee, for having suffered thee to be vexed by them." In the whole of the King's private correspondence, which accident brought to public view, there is no letter which more fully than this shews the insincerity of his conduct, or his enmity to the constitution. Notwithstanding his passionate expressions of affection to peace, so profusely set forth to the people, it appears that he never consented to a treaty whilst the parliament were in a situation to defend their pretensions or the liberties of the constitution, but to silence the importunate solicitations of his own party, and with no intention to bring it to the wished-for conclusion; and that the privileges of parliament the most inoffensive to monarchical pride, and the most moderately used, were distasteful and odious to him. The Oxford assembly, composed of his friends and followers embarked with him in the same cause, for expressing, in a point of the utmost importance to their own interest and security, an opinion differing from his inclinations, were regarded with almost an equal degree of hatred and scorn as the two houses at Westminster.

Whitlock writes, That the last day of this treaty the two houses sat very late, in expectation of some good news from Uxbridge; that at eight o'clock in the evening the Lords communicated to the Commons a paper from the King's commissioners, which proposed his majesty should come to Westminster upon a safe-conduct, provided the treaty might be continued for a longer term; but that a letter arriving at the same time from the parliament's commissioners, relating that there appeared no compliance in the King's commissioners to grant any of the propositions, the parliament determined against prolonging the treaty. The King had been frequently advised by his best friends to repair to London, without the ceremony of a safe-conduct; but the going to London at all without an army, though much apprehended by the parliament, was never in the King's thoughts, and, as he observed

possession of all the moderate and safe prerogatives Ann. 1644. which attend monarchical condition, with many a fair chance of regaining by intrigue a great part of his former power *.

served to the queen, at this time only flung out as having much force of popular rhetoric with it; "For as for trusting the rebels, says he, either by going to London or disbanding my army before a peace, do no ways fear my hazarding so cheaply or foolishly, for I esteem the interest thou hast in me at a far dearer rate, and pretend to have a little more wit."

* In the midst of the career of the King's fortune, immediately before the siege of Gloucester, the Lords voted propositions of peace to be immediately sent to the King at Oxford; nor could the lower house have raised a party powerful enough to have withstood the strong inclinations which at this time prevailed for a reconciliation with him, had it not been for a kind of denunciation of vengeance against all those who had been active in the opposition, at this time set forth in a declaration, and which aspersed the leaders of the popular party in both houses with the names of seducers, odious rebels, murderers, and state-impostors; "If those invectives and menaces, says Acherley, had been omitted, and proper lenitives to particular men had been inserted and applied, a treaty at this time must necessarily have been embraced, and probably had ended in a good agreement; for no conjuncture ever afforded the King such an advantageous and powerful opportunity."

Mr. Hyde, afterwards earl of Clarendon, in the History of his own Life, avows himself to be the penner of this declaration; and tells on this subject a curious anecdote of the King's opinion and inclinations, which confirms the justness of the fears and jealousies expressed by the parliament. Previous to the publishing the fore-mentioned declaration, the King observed to Mr. Hyde, That he had hitherto done too much honor to those rebels at Westminster, by his mentioning them in his declarations as part of the parliament, which, as long as they should be thought so to be, they would have more authority by their continuing sitting in the place whither they were first called, than all the other members, though more numerous, would have when they should be convened any where else; that he knew no reason why he should not positively declare them to be dissolved, and so forbid them to sit

Ann. 1644.
Trial, execution, and
character of
Laud.

Rushworth.
Whitlock.
Collier.
Wood.

THIS treaty of Uxbridge, which so fully exposed the determined resolution of both parties, had been immediately preceded by the trial, condemnation, and execution of William Laud, archbishop of Canterbury. Though this unhappy prelate had endured with great patience an imprisonment of more than three years, yet he had so far continued his non-compliance with the parliament as obstinately to refuse, at first their recommendation, and then their peremptory orders, to collate one Mr. Corbet to the living of Chartham in Kent: This stubborn conduct brought

or meet any more—he knew learned men of the opinion, that the act for the continuance of the parliament was void from the beginning, and that it was not in the power of the King to bar himself from the power of dissolving it, which was to be deprived of an essential part of his sovereignty; but, if the act were good and valid in law, the parliament had dissolved themselves by their force in driving so many members, and even his majesty himself, who was their head, from the parliament, and had forfeited their right of sitting, and all which the act had given them, by their treason and rebellion, which their very being a parliament could not support; therefore he wished that a proclamation might be prepared to declare them actually dissolved, and expressly to forbid them to meet, or any body to own them or submit to them as a parliament. Hyde, who knew the sense of the generality of the King's own party on this subject, dissuaded him from this destructive measure, as a step which would confirm all the reproaches which the parliament had flung upon him, and provoke many of his own followers to desert him; that, for the invalidity of the act, he was inclined to hope it was originally void on the grounds and reasons his majesty had mentioned; and that the parliament itself, if the rebellion was suppressed, might so declare it; but till then he thought all the judges together, even those who were in his majesty's own quarters, would not declare any such invalidity. On these reasons, urged by Mr. Hyde, the King declined his first proposal; and Mr. Hyde was ordered to put his conceptions of the matter in writing. *Clarendon's Life*, vol. I. p. 169, & seq.

upon

upon him the severe ordinance for the suspension of Ann. 1644 his archiepiscopal jurisdiction, and the seizing his temporalities into the hands of the parliament *. Notwithstanding the repeated cry of the populace to bring this great offender to justice, his trial had been of necessity thus long retarded, from the scantiness of the evidence to prove the charge which had been brought against him : Proceedings on this business had met with some interruption from the death of Mr. Pym ; but were afterwards prosecuted with great vigor, animosity, and bitterness by Prynne, a member in this parliament, and the same lawyer who had been persecuted with such tyranny and cruelty by Laud, in the triumphant days of the church. He now experienced, from this exasperated sufferer, the same rigor which he had in such full measure meted out to others, the same barbarous insults from the tools of power, and the same unjust seizing of papers, not only to prove those facts with which he already stood accused, but to frame others, and to deprive

* The King was so careless and improvident of the archbishop's safety, as to prompt and urge him to this impolitic dangerous stubbornness, by sending him, first, an order to give Chartham to one Mr. Reading, or, if otherwise commanded by the parliament, then to let it lapse to the crown ; and afterwards sent him a general order, requiring, that as often as any benefice, or other spiritual promotion, in his gift, should fall void, that he should dispose of it to only such as his majesty should name to him ; or, if any command lay otherwise upon him from either or both the houses of parliament, he should then let them fall into lapse. These unfriendly injunctions were obeyed by Laud, till the ordinance mentioned in the text passed. *The History of the Troubles and Trial of Laud*, p. 200, 203.

him

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him of the necessary materials for his defence *. Ten additional articles, by means of the fore-mentioned evidence, were sent up by the Commons to the Lords, on the twenty-fourth of October 1643. The charge, when reduced, consisted of three general heads; viz. a traitorous endeavor to subvert the fundamental laws of the realm, and to introduce arbitrary and tyrannical government; a traitorous endeavor to subvert God's true religion by law established, and instead thereof to set up Popish superstition and idolatry; an endeavor to subvert the rights of parliament, and the ancient course of parliamentary proceedings. This, according to the precedent which this parliament had made in the year 1640, was urged as a charge of accumulated treason; but the crimes of Laud and those which had been proved against the earl of Strafford differed widely: Strafford had in his own person, in many instances, infringed the constitutional liberty of the subject; it had been proved that he had pressed the King to enlarge his commissions, both as president of the court of York and deputy of Ireland, beyond their legal bounds: The acts of tyranny which had been perpetrated by Laud were the iniquitous decrees of courts, in which he only had a single voice; courts which the power of parliament had abolished, without passing any censure on the individuals who had composed them—"How can that be treason in me, urged this unhappy prelate, which

* Laud tells us, That of twenty-one bundles of writing which he had prepared for his defence, and which Mr. Prynne took from him, he could never get above three back again. *Laud's Trial*, p. 205, 211.

is not made so much as a misdemeanor in any of my fellow-commissioners *?" The earl of Strafford, to humor a vicious ambition, had acted contrary to his better judgment and declared notions: Laud, a superstitious churchman, who had studied little else than canon-law, and the doating opinions of the fathers, was entirely ignorant of the utility, equity, and beauty of civil and religious liberty; was himself imposed on before he endeavored to impose on others; and became a zealous instrument of tyranny even for conscience sake. The earl of Strafford had enriched both himself and his master with plunder extorted from the subject: No act of rapacity was alleged against Laud; it was notorious that he had spent his whole income in what he ignorantly thought was the service of the public. In the bill of attainder which had passed against the earl of Strafford, there is expressly declared a treason within the statute of the twenty-fifth of Edward III. But no such article was pretended to lie against the archbishop.—To those measures which had been inductive to the Scotch commotions, and to the breach of the pacification made with that nation, he had pleaded the act of oblivion; and that plea had been generously granted him by the two houses.—To that part of his charge which relates to an endeavor to subvert God's true religion by law established, and instead thereof to set

* The Commons urged, That the most iniquitous of these sentences were procured by the archbishop's undue influence: But this fact, if true, could never be proved; and, could it have been proved, it equally aggravated the crimes of the other individuals who composed these courts.

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up Popish superstition and idolatry, he was particularly strong in his defence, and the allegations to support the charge were particularly vague and trifling. The truth is, those superstitious ceremonies which he with so much blind zeal had endeavored to revive, and which were so justly ridiculed and abhorred by the more enlightened Protestants, were the discipline of the first reformers in this country, and had the sanction both of the civil and ecclesiastical power: Reformation had begun in England at the wrong end; it was first adopted and modelled by government, instead of being forced upon government by the general sense of the people; and thus, to farther the ambitious views of the monarch, and to gratify the pride of the prelacy, a great part of the mystery of Popery was retained in the doctrine, and a great part of the puppet-shows of the Papists in the discipline, of the church of England *. Though the genius of reformation had so far prevailed, that, before the promotion of Laud to the archiepiscopal see of Canterbury, many superstitious ceremonies observed by the first reformers, and others directed by law, had in practice been laid aside, yet they had not been abolished by any act of legislation; nor in all the long list of supposed innovations charged against him was there one to be found which was not warranted by

* It is observable, that the most obnoxious of those ceremonies which Laud so childishly insisted on, were established at the restoration, and have been ever since regularly practised in the church; and that many of his most offensive measures have been adopted by revolution ministers, such as the nominating clergymen to be justices of the peace, with restraints laid on marriage.

precedent, or by the instructions set forth by that politic tyrant Elizabeth and her obsequious parliament.—To as little purpose did the Commons endeavor to prove the delinquent guilty of setting up a power in the church independant of the regal *: The King, who regarded the success of Laud's projects as necessary to the success of his own schemes for despotism, had freely lent him all his power, which in ecclesiastical matters was great; and Laud had cautiously taken no step towards the settlement of

* The strongest evidence produced against Laud was relative to the third head of his charge; viz. an endeavor to subvert the rights of parliament, and the ancient course of parliamentary proceedings. These were, an answer to the remonstrance of the Commons, made the seventeenth of June 1628; with a paper concerning a declaration of the King, set forth on the twenty-eighth of January 1628, found in his study in his hand-writing, and endorsed by him. The delinquent, by the following observation, in a manner acknowledges the force of this evidence: "In this diligent and curious search, for Mr. Prynne's malice made it, they found some papers concerning parliaments; no other, I praise God for it, than such as with indifferent construction might I hope well pass, especially considering what occasion led me, and what command was upon me; and as I have been told by able and experienced men, they would have been nothing had they been found in any but this troublesome and distracted time about the rights of parliament, as it is said: Howsoever, I was most unfortunate they should be now found; and I had not left them a being, but that I verily thought I had destroyed them long since."

It appears in this trial, and by the printed votes of this parliament, that the oath given to king James differed in two very material passages from those which had been taken by his predecessors: One was an addition, namely, "agreeable to the King's prerogative;" the other an omission, namely, "laws which the people shall choose." *Laud's Trial*, p. 319, 355.

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the discipline of the church, unwarranted by royal authority *.

ON serjeant Wild, Brown, Maynard, Nicholas, and Hill, all members of the house of Commons, and lawyers, was imposed the invidious task of managing the charge against him; whilst his especial enemy, Prynne, was employed to provide and prompt the evidence †. Like true lawyers, they played their parts in baiting the unhappy prisoner with the most acrimonious and insulting language; like true lawyers, they took all the unfair advantages which their offices and other opportunities procured them; and like true lawyers, they put a forced and unwarrantable construction on all the facts which they cited against him. The behaviour of the prisoner through the whole of his tedious trial, for it lasted twenty days ‡, did great honor to his temper; and his an-

* Well as Charles loved, and highly as he venerated, the church, he idolized yet more his own power; and it is plain, by his instructions to his secretary Nicholas on the Uxbridge treaty, and many other circumstances of his life, that his great attachment to the prelacy, and his schemes for enlarging their property and dominion, had principally their rise from the adulation they paid him, and the persuasion that this body of men would use their influence over the consciences of his subjects, and all the power he gave them, to infuse and support the doctrine of passive obedience to the crown.

† If we may believe Laud's account of his trial, Mr. Prynne kept a school of instruction for the witnesses, who were an hundred and fifty in number, and tampered with them in a very shameful manner. *Laud's Trial*, p. 219.

‡ The trial began on the twelfth of March 1643, and was not finished till the twenty-ninth of June 1644. Laud complains, that he
was

swer, which was both rhetorical and argumentative, Ann. 1644. proclaimed his abilities.—On the second of November he was called before the Commons, to hear read a summary of his charge; on the eleventh he spoke several hours in his defence at the bar of that house; and on the same day the Commons passed an ordinance which decreed him to suffer death, as in cases of treason, with but one dissenting voice *: On the sixteenth it was sent up to the Lords, where the business slept till the seventeenth of December, when the Lords, having been quickened by a message from the Commons, and the importunity of some of their own members, with a kind of threat that the multitude would force them to do justice †, proceeded to the consideration of every particular of the charge; and, on the twenty-fourth of the same month, acquainted the Commons, That they had found the archbishop guilty as to matters of fact, but that they desired farther satisfaction in point of law, whether the said matters were treason. This produced a conference

was often summoned to appear before the Lords, and then sent back again unheard, to the needlessly exposing him to the scorns and revilings of the people, and to an expence which he could ill bear, for he never appeared but it cost him six or seven pounds a day. The archbishop's estate and goods had been sequestered; and it was not till towards the end of his trial, and after repeated solicitations, that the Commons allowed him two hundred pounds to support his necessary expences.

* Notwithstanding this unanimity, Laud tells us, That when he came to the house, the day the bill passed, many members complimented him on the answer he had given, in a high strain of commendation. *Laud's Trial*, p. 441.

† A petition against delinquents, and particularly against Laud and the bishop of Ely, was carried up to the Lords.

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between the two houses, in which were urged, by the Commons, similar arguments to those which had been used in the case of Strafford's case; and, in two days after the fore-mentioned conference, the Lords passed the desired ordinance *. Laud produced a pardon from the King under the great seal; but this being held insufficient, for two reasons (first, because it had passed before the conviction of the delinquent, and, secondly, because no bar could be valid against the judgment of both houses), he was sentenced, by an order of parliament, to suffer death, on the tenth of January 1644-5, without other favor than to have one of his chaplains attend him, in the company of two divines of the Commons' appointing, and to have his sentence altered from hanging and quartering into beheading.

From the time the news reached him of the Lords having passed the bill of attainder, he prepared himself to die with exemplary piety and courage, and maintained the same magnanimity of conduct through all the horrors of his fate. The whole tendency of a long speech, or rather sermon, which he made on the scaffold, was to vindicate the King and himself from the intention of introducing Popery into the established religion, and to persuade the people to re-subject themselves to the ancient discipline of the church. In this very performance, which was exe-

* There were but fourteen Lords in the house when Laud was voted guilty as to matter of fact, and but seven signed the bill of attainder; viz. the earls of Kent, Pembroke, Salisbury, and Bolingbroke, with the lords North and Grey of Werk.

cuted with great art of composition, and likewise in Ann. 1644. his remarks on the charge which the Scots brought against him, he plainly shews that his adversity had not altered his opinions, nor corrected any one of his most mischievous prejudices ; and that, had accident re-established him in his former plenitude of power, he would have run, to the end of his days, the same persecuting course for which he now suffered *.—Laud was a native of Berkshire, the offspring of parents who were clothiers by trade ; was born at the town of Reading in the year 1573, and received his first education at a free-school of the place. At the age of seventeen he entered scholar of St. John's College, Oxford ; and, in due process of time, took the degrees of bachelor, master of arts, bachelor of divinity, and doctor of divinity, and was elected president of St. John's College. His zeal, which appeared very early in life, occasioned him to be very offensive to a considerable party in the university : He maintained the necessity of baptism ; that there could be no true church without diocesan bishops ; and was questioned by the vice-chancellor, Dr. Airay, for having preached a sermon which contained sundry scandalous and Popish passages. This conduct, which rendered him obnoxious to the zealous Protestants, brought him into equal favor with the high church party : Richard Neile, bishop of Rochester, took him under his especial protection, made him his chap-

* Something of the following nature dropped from Laud in the defence he made in the Lords' house ; viz. That the true religion had suffered rather from the relaxation of the church discipline than from severity.

Ann. 1644.

lain, bestowed on him the rectory of Kuckstone in Kent, and introduced him to the court. He was some time prevented from rising by the indefatigable pains of Abbot, the then archbishop of Canterbury, who was well acquainted with the turbulence of his character, and disapproved his divinity: But, when the influence of this good prelate was on the decline; when James grew intoxicated with the prospect of a Spanish alliance; when he repented him of the doctrine he had so warmly maintained against Vorstius; when he began to take the Arminians and Papists into his bosom, and discard his old fellow-sectarists the Calvinists; when innovations were intended to be introduced into the Scotch worship; Laud, who had by this time wormed himself into great favor with the duke of Buckingham, was promoted, as an useful instrument to help carry on the new measures of the court. As chaplain to James, he attended him in his last journey to Scotland; was soon after promoted to the bishopric of St. David; and, from the first period of Charles's administration to the assembling of the second parliament of 1640, had the entire direction of the ecclesiastical government of the country; and, after the death of Buckingham, was one of the King's prime advisers in all matters of state. The provoking arrogance of his conduct, and the tyranny with which he exerted this plenitude of power, has been already set forth in this history: It is sufficient here to say, that the principles of religion on which he uniformly acted were as noxious to the peace of society as were the principles of the Papists; the same want of charity, the same exercise of

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of cruelty, the same arrogance of dominion, were Ann. 1644. common to both. Utterly unacquainted with the simplicity, charity, and meekness of the Gospel, his character was void of humility and forgiveness; nor had he other rule to judge of mens deservings, but as they were more or less attached to the power of the church *. His Diary, which was exposed by his enemies to the public censure †, shews him to have been a supple fawning courtier, and tha this superstitions were as contemptible as those which belong

* In the Cambridge edition of the Bible, 1629, a period when Laud was in full power, the explanatory title to the hundred and forty-ninth Psalm is altered from, "To praise the Lord for his victory and conquests that he giveth his saints against all mens power," to "The praise given to God for that power he has given to the church to rule the consciences of men." This innovation is pursued in all the editions from 1629 to 1743.

† This Diary was found by Mr. Prynne in his search into the archbishop's papers, and published by him during his trial. The archbishop makes the following observation on this incident: "According to the order of the Lords, says he, I made the recapitulation of my whole cause in matters of greatest moment; but so soon as I came to the bar of their house, I saw every member present with a new thin book, in folio, in a blue coat: I heard that morning, that Mr. Prynne had printed my Diary, and published it to the world to disgrace me. Some notes of his own are made upon it: The first and the last are two desperate untruths; besides some others. This was the book then in the Lord's hands; and, I assure myself, that time picked for it, that the sight of it might damp me, and disenable me to speak. I confess I was a little troubled at it; but, after I had gathered up myself, and looked up to God, I went on to the business of the day." In the epistle dedicatory, to the right honorable Lords and Commons, prefixed to this work, the author has the vanity to say, That a former publication of his had given a deadly blow to the prelatical party. *Laud's Trial*, p. 411, & seq. *A Breviate of the Life of Laud*, published by Prynne.

Ann. 1644. to the weakest of women. Upon the whole, his character serves as an eminent example to shew, that extensive learning and abilities are not incompatible with a narrow judgment; and that, in all the catalogue of human frailties, there are none which more corrupt the heart, or deprave the understanding, than the follies of religion.

THE rank he held in the church and state, during the government of Charles, had occasioned his prejudices to have been very offensive to the public, and his misdemeanors were gross and many; but still they were more the errors of his judgment than of his will; and for this reason, as the justice of the country had been something satisfied by the death of the criminal Strafford, it would have done honor to the parliament to have left this aged prelate * the example of their mercy, rather than to have made him the monument of their vengeance. Perpetual imprisonment, with no more than a decent maintenance, and the deprivation of his archiepiscopal function (which of

* Laud was in his seventy-second year when he suffered death. His literary works were, several Speeches; several Sermons; Conference between him and John Fisher; Answer to the Exceptions of A. C. printed with the Conference; Memorables of King James; Answer to the Remonstrance made by the House of Commons in June 1628; Various Letters; Marginal Notes on Rome's Master-Piece, published by Prynne; Diary of his Life; a Manual of Private Devotions; a Summary of Devotions; *Variae Epistolæ ad Clariss. Ger. Jo. Vossium*, printed in a book entitled, *Gerardi Joh. Vossii & Clarorum Virorum ad eum Epistolæ*, Lond. 1690; History of his Troubles and Trial; Annual Accounts of his Province, presented to the King in the beginning of every year; a Speech, or Funeral Sermon, spoken by him on the scaffold on Tower-Hill immediately before his execution. *Wood's Athenæ Oxonienses*, vol. II. p. 63, & seq.

course followed the abolishment of that kind of church-government) would have taken away his abilities of doing farther mischief; and the present prosperous state of the parliament's affairs rendered his death a circumstance of no importance to the public welfare *. It is plain that he fell a sacrifice to the intolerant principles of the Presbyterians †, a sect who breathed as fiery a spirit of persecution as himself ‡.

* "In this instance (says a writer of great note, speaking of Laud's sentence and execution) the public might see, that popular assemblies, as by their very number they are in a great measure exempt from the restraint of shame, so, when they also overleap the bounds of law, they naturally break out into acts of the most atrocious tyranny and injustice." If this observation is to be taken as particular to popular assemblies, as indeed it can be no otherwise construed, is it not a partial representation? Are not the annals of our own, and those of every other society, stained with innumerable instances of the most atrocious of these kind of murders, committed even on deserving men, when regal sovereigns had power to overleap the bounds, or strain the letter of the law? Was the life and property of the subjects of this country ever secure, till the system of government established at the Revolution had made many necessary limitations to regal power? The unjust and cruel judgments which have passed upon individuals in those societies, where the supreme power has been established in popular assemblies, are not to be mentioned in comparison with those which have passed in all monarchical states, where the regal power was not restrained by very considerable limitations. *Hume's History of Charles I. Quarto Edition*, p. 393.

† Ludlow is of opinion, that Laud's sentence was passed to encourage and please the Scots, who at this time began to be very troublesome to the party who had called in their assistance.

‡ This intolerant spirit is fully shewn in their denying delinquents the comforts of their religious persuasion, under the agonies of a sentence of death: Of three clergymen whom Laud petitioned might assist him in his preparations for his exit, there was but one allowed him, and this under the restraint of the inspection of two ministers

Ann. 1644.

It is farther to be observed of this prelate, that he is the only individual of that high office in the church of England who ever suffered death by the hands of an executioner; though the turbulent ambition of his order have disturbed the peace of society from the first period of church power to the present day.

ON the same day that the Lords concurred with the Commons in the attainder of the archbishop, they passed an ordinance that the Common-Prayer should be lain aside, and for the establishing a directory of worship which had been framed by the assembly of divines, and confirmed by the votes of both houses*.

ON the execution of one Howard, a captain, whom the parliament had hanged for deserting with nineteen troopers to the King, prince Maurice, in revenge, inflicted the same punishment on a sea-officer, Turpin by name, a common prisoner of war†. This, and

appointed by parliament. No individual in these melancholy circumstances obtained more favor from the two houses, and some of them not so much.

* This directory gives general rules for worship, for pastoral function, and the observation of the Sunday.

† Prince Maurice was of the same imperious disposition as his brother prince Rupert; and was sent with the chief command into the West, in the department of the marquis of Hertford, because, as lord Clarendon says, the King thought he should sooner reduce his people by the power of his army than by the persuasions of his counsel, and therefore preferred the roughness of the one's nature to the lenity and condescension of the other. The recompence the marquis of Hertford was promised for the deprivation of his command was, to be made a gentleman of the King's bed-chamber, and groom of his stole. *Clar. Hist.* vol. II. p. 240.

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such kind of violences committed by the royalists, Ann. 1644. produced a parliamentary ordinance, appointing a special commission for the execution of martial law, with severe instructions in matters relative to desertion *. No other revenge was taken for the murder of fourteen innocent clothiers, hanged at Woodhouse in Wiltshire by the direction of prince Rupert, than the execution of eight Irish prisoners, in conformity to an ordinance forbidding quarter to be given to these troops, and which had been occasioned by the cruelties and disorders they had every where committed.

THE King had by this time repented him of the ill policy of withdrawing his own party from the two houses at Westminster, and a great number of these deserters from time to time returned to the capital; which being observed by the leaders of the party in opposition, the parliament were petitioned by the common-council not to receive any of their members who had deserted them, without their giving satisfaction for their fidelity in time to come; and an ordinance, according to a former vote on this business, declared, That such peers as had deserted, or should desert the parliament, should not be admitted without the consent of both houses; and that whatsoever member of the house of Commons who had so offended, or should so offend hereafter, and adhere to those who were levying war against the parliament,

* The two Hothams and Sir Alexander Carew were tried and condemned by this court.

Ann. 1644.

were and should be absolutely disabled from sitting in the house of Commons.

AMONG the number of those, who, in this triumphant state of the parliament's affairs, either were, or affected to be, partizans to the cause of Liberty, was the prince Elector-Palatine, who at this time very unexpectedly arrived in England. He was at first regarded in the invidious light of a spy for his uncle, and was treated with great coolness by the parliament, who gave him to understand, that his residence in England would neither be advantageous to his own nor the public affairs. The prince received this reprimand with great humility; and gave such satisfactory reasons for his conduct *, that he procured from the parliament a pension of eight thousand pounds a year, to be raised out of the estates of delinquents, and was lodged in an apartment at Whitehall, fitted up on purpose for his reception. He was severely reprimanded by the King for coming into the country without acquainting him with his motives; but yet continued his submissive behavior to the parliament, and by their permission sat in the assembly of divines †.

* The following were the motives and reasons which he gave the parliament for his arrival: That his professions and behavior might erase those jealousies which the conduct of his brothers had drawn upon him; and that the enmity he had incurred for his affections to the parliament, and their cause, would render his abode in foreign parts unpleasing and unhappy to him. *Parl. Hist.* vol. XIII. p. 279, & seq.

† Several lay-members, who were of the two houses, had liberty to debate and give their vote in every matter determined in this assembly: of this number were Mr. Selden and Mr. Whitlock. *Rushworth.*

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THE earls of Holland, Bedford, Conway, and Clare, Ann. 1644. though they had endeavored to atone for past offences by attending on the King, and serving in his army at the siege of Gloucester, met from the court with a treatment so supercilious, cold, and reserved, that they were provoked to fling themselves upon the mercy of the parliament, and returned again to the capital. After a slight confinement, and being debarred admission to this assembly, they were restored to their former privileges. The earl of Northumberland, who had retired to his house at Petworth, with an intention, as it was thought, to make peace with the King, was deterred from the execution of this project by the reception his friends had met with. The earl of Holland, with a view to recover his former favor with the party, on his examination declared, and afterwards published in a manifesto, many things to the disadvantage of the King's reputation; viz. That the cessation made with the Irish rebels, the great favor Papists were in with the King, and the evil measures projected and carried on at Oxford *, had obliged him, in point of conscience, to withdraw a second time from the court.—Among the number of penitents who implored the forgiveness and protection of parliament, was Sir Edward Deering, a man of a warm intemperate disposition, and conceited to an high degree of his abilities, which were by no means insignificant: He was a great zealot for episcopacy; but disliking Popery more than Presbytery, or not meeting with so much countenance from royalty as he

* Something of the same nature was asserted by the other lords.

expected,

Ann. 1644.

expected, he was one of the first who took the advantage of the declaration of both kingdoms for receiving penitents into favor, and alleged the following reasons for his abandoning the court; viz. The fear of being compelled to attend the anti-parliament at Oxford; that the language of clergymen and others of the royal party was, that the King would be forced to make his way to his capital by conquest; that he could never reconcile the cessation in Ireland to the vows made in England; and a conviction of the danger which hung over this country from the prevalence of a Popish faction *.—The disgusts taken at the conduct of the court, and the growing prosperity of the parliament's affairs, occasioned them a daily accession of profelytes: Among these were the earl of Kingston, the young earl of Caernarvon † (whose father had lost his life in the royal cause ‡), and many more noblemen and others of distinction.

* Sir Edward Deering died at his house in Kent, in a few months after his return to the obedience of parliament, and in a week after he had published a treatise, entitled, "The proper Sacrifice against the Doctrine of Transubstantiation." *Rushworth*, vol. V. p. 384.

† This nobleman's father had retired from his command in the West, because the licentiousness which prevailed among the royal troops, and the authority of prince Maurice, prevented him from performing the agreement he had made with the towns of Dorchester and Weymouth. *Clar. Hist.* vol. II. p. 270.

‡ He was killed at the last battle of Newbury. *Clar. Hist.* vol. II. p. 69.

C H A P. III.

Feuds in parliament.——Rise of the republicans.——The army new modelled.——Self-denying ordinance.——Oliver Cromwell distinguishes himself.——The King's sanguine expectations.——Mutinous state of the army.——Military transactions.——Leicester taken and sacked by the King.——His defeat at Naseby.——Good conduct of the new-modelled army.——The behaviour of the King's army and the parliament's contrasted.——Military transactions.——Successes of the parliament.——Surrender of Bristol.——Ruin of the King's affairs.——His unsuccessful messages to the parliament for leave to repair to the capital.——Disunion between the parliament and the Scots.——The King takes refuge in the Scotch camp.——Affairs of Ireland.——The King's private transactions with the Irish rebels, by the earl of Glamorgan.——Peace concluded with the Irish rebels.

THE faction and animosity which had long reigned Ann. 1644. among the King's enemies, and had given such interruption to the progress of their arms, was, now that their success in the North had something quieted their fears, arisen to a very important crisis. It has been already hinted, that the powerful opposition Feuds in parliament. which the King had met with was grounded more on religious prejudices, on personal dissatisfaction, on the prevalency of a faction about him, on the natural principle of resisting an high degree of oppression, than on any enlarged notions of government; and was more directed to remove present grievances than to avoid the possibilities of evil. That the parliament and their adherents had thus long maintained their

Ann. 1644.

their power and numbers, was entirely owing to the ill management of the court, and the dread which alike infected both parties of falling under the lash of despotism, and the provoked resentment of the queen and the body of Papists. The severe terms on which the parliament had offered peace to the King were more the cautions than the principles of the Presbyterians, who had no dislike to regal authority, nor to tyranny itself, provided it was directed according to their own fantastic ideas and notions *.

Rise of the
republicans.

Among the numbers who opposed power on these narrow grounds, some few there were who, from the first, looked forward to the reformation of the principles, as well as the executive part, of the government. Mr. Hyde, in the History of his own Life, says, That Henry Martin, soon after the commencement of the long parliament, let drop, in a conversation in which he endeavored to divert Mr. Hyde from his attachment to the court, the following republican sentiment: That he did not think one man wise enough to govern them all. The author farther tells us, That this was the first word he ever heard any man speak to such a purpose; and observes, That if it had been at that time communicated or attempted, it would have been abhorred by the whole nation. In all likelihood, according to Mr. Hyde's observation, the party who had schemed the plan of changing the system of government were at this time contemptible in their

* Liberty, in an enlarged sense, was never a general principle of action among the English.

numbers ; and accordingly we find them continually Ann. 1644. incurring the censure of parliament, for the liberty they took in their speeches with the person of the King and royal family, and for the republican sentiments which they often let fall *.

THE animosity which attends civil contention, from its inseparable quality, an extreme opposition to the principles which direct the conduct of the adversary, procured them, in the course of the contest, such a large addition of partizans, that at this period they were not an inconsiderable faction. The first attempt which the party made to try their strength in the lower house, was in procuring an order to forbid the Tower guns to be fired on the anniversary of the King's accession ; but the next day the order was revoked, by a majority of seventy-five against fifty-seven. The next attempt of the republicans was attended with more success. In the month of October 1644, the Commons proposed to the Lords to melt down the King's magazine of plate in the Tower ; and though the proposition was much combated by the upper house, yet the matter was determined according to the inclination of the party. Parl. Hist. vol. XII. p. 208, & seq.

* On Henry Martin's advancing the following opinion, That it was better one family should be destroyed than many, he was ordered to explain what he meant by the expression " one family ;" and on his boldly answering, " The King and his children," he was committed to the Tower. Sir Henry Ludlow was reproved by the speaker for saying, That Charles was not worthy to be King of England ; and one Chillingworth was sent to the Tower for citing examples concerning the deposing princes. Parl. Hist. vol. X. p. 503, vol. XII. p. 373. Nalson, vol. II. p. 714.

Ann. 1644.

THE nobility, and those of the gentry who expected by the merit of their services to be raised to the like distinctions, regarded with horror the growth of opinions which tended to reduce all men to that equitable state of equality which is so remarkably pointed out by the law of Nature ; and in proportion as these opinions prevailed in the assembly of the Commons, the Lords opposed themselves to their designs and determinations. The adjusting the powers of the committees of both kingdoms, appointed by ordinance of parliament for the carrying on the war, and to farther the effective execution of the treaty concluded between the two nations, had been a matter of great difficulty * ; and the Lords, though they had hitherto

* The Commons, in the year 1644, to prevent the King from receiving that good intelligence which he had hitherto had of their designs, proposed the entrusting to a committee of both kingdoms, which had been appointed for the management of the war, a larger power, under an oath of secrecy ; but the King having yet a party in the upper house, and the Lords in general being jealous of the independent principles entertained by several of the members of that committee, under various pretences objected to the smallness of their number, the greatness of the power with which the Commons proposed to invest them, and especially to the oath of secrecy, and to their being charged with the preparing the propositions for peace ; yet all these points, after much controversy, were carried according to the intentions of the lower house.

In the first commission, the committee were only to advise, and the parliament to determine ; but on the Commons finding that these open consultations afforded the King opportunity to procure intelligence of their designs, the whole conduct of the war was entrusted to the committee, without reference to the parliament. The committee was composed of the seven following members of the upper house ; viz. the earls of Northumberland, Essex, Warwick, and Manchester, with the lords viscount Say and Seale, Wharton, and Roberts ; the following

joined the Commons in every necessary act of authority, yet they had manifested, by the reluctant manner of their complying, that such concurrence was rather obtained by force and importunities, than uniformity of judgment or inclination. The commanders in chief, acting with the intention of preserving monarchical power in the constitution, had forborne to subdue entirely the King, or to reduce him to a condition in which he should not be entitled to demand concessions. The insincerity of Essex is discoverable in the plain narration of related facts: The public cause had suffered greatly from the jealousy which subsisted between him and Sir William Waller *; and in the last battle of Newbury the earl of Manchester, who till then had forwarded the war with alacrity, was so remiss in his duty, that he was accused by his lieutenant-general, Oliver Cromwell, of having wilfully neglected an opportunity of putting a final conclusion to the war, by a total defeat of the royalists. The parliament had signified so much discontent at the event of this engagement, that though

Parl. Hist.
vol. XIII.
p. 301.

following fourteen members of the house of Commons; viz. the Hon. William Pierpoint, Sir Henry Vane, sen. Sir Henry Vane, jun. Sir Philip Stapleton, Sir William Waller, Sir Gilbert Gerrard, Sir William Armyn, Sir Arthur Hazlerig, John Crew, Robert Wallop, Oliver St. John, Oliver Cromwell, Samuel Brown, John Glynne, Esqrs. with the earl of Loudon, lord Maitland, Sir Archibald Johnston of Waristoun, and Mr. Robert Barclay. *Parl. Hist. Whitlock.*

* As the envy of Essex had sacrificed Waller at the battle of Roundway Down, so the resentment of Waller sacrificed the earl of Essex in Cornwall; and the mutual hatred between the two generals had occasioned the King to escape from Oxford; besides the loss of other less important advantages.

Ann. 1644.

their generals had written them word they had obtained a great victory over the enemy, yet on the day after they received this news they kept a fast, which they had appointed to be observed monthly (to deprecate the vengeance of God for the sins of the nation) with great strictness, nor would vouchsafe to appoint any thanksgiving. The citizens, in repeated petitions, complained that their wealth was exhausted to no purpose; and the public could no longer endure with patience the sacrifice of their interest to the selfish views of their servants.—This critical juncture of time and opinions afforded the republicans an opportunity to farther the execution of their wishes rather than their hopes. They did not fail to circulate the following observations: That in the hands of the members of parliament were lodged all the considerable commands of the army, and all the profitable offices in the civil administration; that whilst these individuals multiplied possession on possession, the body of the people were daily impoverished, and groaned under an unnecessary yet insupportable load of taxes; nor could they expect to get rid of their burthens, or see an hopeful issue to the war, so long as their governors were permitted to enrich themselves by the calamities of the public*.

The army
new mo-
delled.

WHEN the minds of the people were sufficiently warmed with a sense of the injustice which had been done them, and were under a full conviction that the

* Arguments like these were daily enforced from the pulpit, by those of the ministry who inclined to republican principles.

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nation would never be free of its dissensions, nor such a victory obtained over the King as would procure a safe peace, till the army was put under a new model, this project was by one Zouch Tate moved to the Commons, at a time when they had resolved themselves into a grand committee to consider of the sad condition of the kingdom by the continuance of the war *. Tate was seconded by Sir Henry Vane, a warm friend to the interests of the public; and the motion was so well supported by the whole republican party, with such strong censures on the conduct of the military commanders, and insinuations that the public began to be weary of the parliament, that the Presbyterians, who made a large majority in the lower house, could not stand the attack: A resolution passed, That, during the time of the war, no member of either house should have or execute any office or command military or civil, granted or conferred by both or either of the houses of parliament, or any authority derived from both or either of the houses; and that an ordinance to such a purport should be accordingly brought in.

Ann. 1644.

Decemb. 9.

ON the nineteenth of December, after a fast had been kept with great strictness, in which the ministers of the republican party had with plainness and sincerity

* Tate was chairman of the committee appointed for the reforming the army. He told the house, That the committee had been endeavouring to obey their orders; but found the condition of the army as the physician did the case of a patient who consulted him about the cure of a slight tumour, when the whole mass of his blood was entirely corrupted. *Ludlow*, p. 56.

Ann. 1644. acquainted the parliament with the sense of the public, the ordinance passed the house of Commons ; with a proviso that it should not extend to any lord-lieutenants, deputy-lieutenants, justices of peace, or commissioners of Oyer and Terminer *, who were members of either of the houses of parliament. Such a reformation did the terror of being deserted by the multitude produce in the whole assembly, and such a desire seized them of confuting the calumnies of their enemies by a manifest proof of disinterestedness, that, according to an order passed at this time, the ordinance was carried up to the Lords by the whole body of the Commons. Thus did the lower house, awed by guilt and cajoled by appearances, depart from a manifest rule of policy, and especially to be observed where the legislative and executive power is lodged in popular assemblies ; viz. the retaining an inseparable connexion between the civil and military powers. The truth is, the conduct of the military commanders had disgusted many even of the presbyterians ; who, as things were at present constituted, despaired of a se-

* Before this motion of Zouch Tate, it had been urged in the house, that the army was corrupted by those of their officers who held civil employments : a committee had been appointed, on the fourteenth of November, to enquire into the nature and value of all offices and places which had been bestowed by the parliament, or by virtue or colour of any authority of parliament ; what was received by the persons on whom such offices, places, or other advantages were bestowed ; to consider what allowance was to be made out of them to the persons who executed them, and what to the use of the public ; and to begin first with the offices, places, or other advantages, bestowed upon the members of either house. *Journals of the Commons*, Nov. 14.

cure issue to the war, or of seeing the King reduced Ann. 1644. to a condition in which he would be necessitated to yield to their desires in ecclesiastical matters. It would have been contrary to the former votes of the parliament, and at this critical time a dangerous measure, to fix a censure on servants who had served them speciously, if not with the utmost integrity: a law, therefore, in which their generals were necessarily involved, was a more popular and gracious manner of displacing them, than a more particular dismissal.

ON the Lords refusing to pass the self-denying ordinance, another was sent up by the Commons, prescribing a new model of the army, in which Sir Thomas Fairfax, who for his military abilities, his distinguished services, and his honest zeal in the cause of Liberty, stood the foremost in the opinion of the public *, was, by the unanimous consent of all parties, appointed commander in chief of a military force consisting of twenty-one thousand men, with the dangerous privilege of nominating the officers under him, and the execution of martial law. After many objections, and several fruitless conferences, the Lords, perceiving the Commons determined on a thorough reformation of the army, acquiesced in the desired regulation †. Feb. 15. The earls of Essex, Denbigh, and Man-

* On the treachery of the Hothams, he had been appointed by the parliament to the government of the town of Hull.

† The ordinance passed with a proviso, That the inferior officers to be nominated by the general, should be approved by both houses of parliament.

These forces were to be supported by a monthly assessment of nine hundred and fifty-five pounds, to be raised proportionably throughout the

Ann. 1644.

chester, disgusted with the large authority vested in Sir Thomas Fairfax, and convinced that the body of nobles were not powerful enough to withstand the public voice, surrendered their commissions; for which they received the thanks of Lords and Commons; and the next day the self-denying ordinance passed the upper house.

April 3,
1645.

Oliver Cromwell distinguished himself.

THE man who, for his vehement zeal, distinguished himself the most in the cause of reformation was Oliver Cromwell, whom courage and activity in the military service had promoted to the government of the isle of Ely, and the rank of lieutenant-general of the associated forces under the earl of Manchester *.

the kingdom. The price of military service was in these days so high, that the pay of every private trooper and horseman in this army was two shillings. After the passing the ordinance, which appointed Sir Thomas Fairfax commander in chief of a new-modelled army, he, by express invitation, repaired to the capital; and, on the day following, was conducted to the house of Commons by four of that body. A chair was placed for his reception, but he modestly refused sitting, and stood with his head uncovered whilst the speaker, in the name of the house, gave him thanks for his past services, complimented him on his valor, conduct, and fidelity, and assured him of the care and protection of the parliament in discharge of that weighty trust which the kingdom had reposed in him. The following is the list of the head officers in the new-modelled army: Sir Thomas Fairfax, general; Philip Skippon, Esq; major-general; — Hammond, Esq; lieutenant-general of the ordnance; Henry Ireton, Esq; commissary-general of the horse; colonels of horse, Middleton, Sydney, Graves, Sheffield, Vermuden, Whaley, Sir M. Livesey, Fleetwood, Rossiter, Sir Robert Pye; colonels of foot, Craford, Berkley, Aldridge, Holbourne, Fortescue, Inglesby, Montague, Pickering, Welden, Rainsborough. *Whitlock.*

* Oliver Cromwell entered the service with the rank of captain of a troop of horse, which he had raised out of the county to which he belonged:

Cromwell was an enthusiast of the first form; and his religious principles being highly puritanical, he had been chosen by that faction to represent the town of Cambridge in the three last parliaments. Though void of those talents which draw and command the opinions of popular assemblies, the busy zeal of his nature, the seeming sincerity of his character, the vehemence with which he pursued the popular cause, the bold intrepidity of his conduct, rendered him an useful instrument in the hands of the republican faction. Whilst the generals of the army, imitating the style of their principals the parliament, at the same time that they led on their men to hostile acts against Majesty, talked of the sacredness of the King's power and person, and puzzled the honest soldier with the senseless contradiction; the more ingenuous Cromwell, disdaining such low and useless hypocrisy, censured the inconsistent delicacy of the presbyterians as an embarrassment to the service; and publicly avowed, that tenderness was so far from being due to the King's person, that, as the prime author of the calamities of the times, he ought in justice to be one of the prime sufferers, and that for these reasons he should have less scruple to attack him in the field than any other man. When others did but venture to insinuate that there had been a remissness and negligence in the officers of the army,

belonged: they were all freeholders and freeholders sons, who upon principles of conscience, not gain, had engaged in the quarrel; and being, like Cromwell himself, tinctured with a spirit of enthusiasm, they were from the first the most courageous, and became by good discipline the best soldiers among the parliament's forces. *Harris's Life of Cromwell. Whitlock.*

Ann. 1645. with the necessity and rectitude of a self-denying ordinance, Cromwell boldly related to the house the miscarriages of the war; observed that the military commanders, from the lucre of gain and power, had purposely spun it out; and that, if the army was not put under a new regulation, the people would become so weary of the war, that they would force the parliament to a dishonorable peace: he shewed that the army had proved the nursery of as brave officers, and as fit for the function of generalship, as any were in Europe; that they could have no such influences and views as directed the conduct of the present commanders; and asserted, that, in proper regard to their own dignity, the Commons ought to new-model their army, and purge themselves from the reproaches they lay under, by a self-denying ordinance, excluding all members from civil or military posts. The unexpected bold truths contained in this speech so astonished the guilty party, that it produced a more sudden and general acquiescence than could have been the fruits of the utmost powers of rhetoric. The parliament, in the ordinance which appointed Sir Thomas Fairfax commander in chief, acknowledged the propriety of Cromwell's conduct; they made no mention of the King's authority, nor inserted any clause for the preservation of his person; and, when the Lords objected to the novelty, they urged, That such a clause must either suppose that the King's coming at the head of an army to fight against the parliament was to defend the true protestant religion, &c. or to oppose these, which they knew he did, and in this case it would seem rather a mockery than a reality; that the King ought

Journals of
the Com-
mons, March
29, 1645.
vol. IV.
P. 93.

ought not to think the parliament obliged by their Ann. 1645. covenant to preserve his person, when he appeared at the head of an army against them; nor ought the soldier to forbear his duty by reason of his presence. Thus great was the increase of influence which the protraction of the war, occasioned by the King's obstinacy, and the negligence or treachery of the parliament-generals, had procured to the republican faction. The citizens acted with such alacrity in raising men and money, that there was an immediate prospect of a stronger better-disciplined army than any the parliament had yet employed.

WHILST the friends of monarchy were daily losing their power and influence in all departments, whilst the King's fate was only prolonged for the short period till his enemies could draw out their forces against him, he still flattered himself with the delusive hopes that the jarring interests of the different parties which formed the opposition would reduce all to his subjection*.

The King's sanguine expectations.

* The King's opinion of the prosperity of the state of his affairs, after the conclusion of the fruitless treaty of Uxbridge, is fully expressed in several of his letters to the queen. In a letter dated March 20, 1644-5, he writes, "I am now full fraught with expectation; I pray God send me a good unlading; for I look daily for some blow of importance to be given about Taunton or Shrewsbury, and I am confidently assured of a considerable and sudden supply of men from Ireland. Likewise the refractory horse (as the London rebels call them) may be reckoned in, for yet it is not known what fomenters they have, or whether they have none; if the latter, there is the more hope of gaining them to me: howsoever, I doubt not if they stand out, as it is probable, good use may be made of them." In a letter dated March 27, "The general face of my affairs begins to mend; the dissensions at London rather encreasing than ceasing; Montrose daily prospering; my western business mending apace; and hopeful in all the rest: so that if I had rea-

Ann. 1645.

In all probability, the resentment of Essex and other discarded generals would have prompted them to have raised a strong commotion in his favor, but for the invincible distrust which they had entertained of his sincerity, and which his every action strengthened and confirmed *.

sonable supplies of money and powder (not to exclude any other) I am confident to be in a better condition this year than I have been since this rebellion began; and possibly I may put fair for the whole, and so enjoy thy company again, without which nothing can be a contentment to me." In a letter dated March 30, "There are no alterations happened of moment, preparations rather than actions being yet our chiefest business, in which we hope that we proceed faster than the rebels, whose levies both for men and money (for certain) go on very slowly, and I believe they are much weaker than it is thought here at Oxford. For instance, a very honest servant of mine, and no fool, shewed me a proposition from one of the most considerable of the London rebels, who will not let his name be known until he have hope that his proposition will take effect. It is this; That since the treaty is so broken off, that neither the rebels nor I can resume it without at least a seeming total yielding to the other, the treaty should be renewed upon thy motion, with a pre-assurance that the rebels will submit to reason. The answer which I permitted my servant to give was, That thou art much the fittest person to be the means of so happy and glorious a work as is the peace of this kingdom; but that upon no terms thy name was to be prophaned; therefore he was to be satisfied of the rebels yielding to reason, before he should consent that any such intimation should be made to thee; and particularly concerning religion, and the militia, that nothing must be insisted on but according to my former offers." *Letters published by the Parliament, entitled, The King's Cabinet opened.*

* Clarendon says, That several of the parliament's commissioners for the management of the Uxbridge treaty disclosed to the King's commissioners their abhorrence of the republicans; related to them the growing power of this party; foretold the change of the system of government, if the King did not close with the parliament before the proposed new model of the army took place; and courted the King to put

AT the critical time whilst the treaty was yet un-
concluded, every day brought fresh accounts to the
parliament of the mutinous state of the army, who,
according to the custom of soldiers, retained a great
veneration and respect for their old officers. Had
this disposition of affairs continued any time, it might

Ann. 1645.

Mutinous
state of the
army.

put himself at the head of the presbyterian and aristocratic party in parliament, with a promise, that if he would put such a face on affairs as to yield to the conditions sent him, they would ever adhere to his interests, drive his enemies out of the kingdom, and regain him all his prerogatives; but that, without his majesty made the desired concessions, they were now too much in the power of their principals to be of any service to him. The earls of Pembroke and Salisbury, who, out of fear of their power, always voted with the republican party, were the most forward of these sycophant traitors in their offers to the King; but lord Clarendon tells us, That a large aristocratic party in parliament was at this time very near as much afraid of the republicans as of the King; and, would he have satisfied the Scots on the article of religion, they would have readily closed with his own terms. Certainly the obstinacy of the King, and the guilt of several of his commissioners, who feared the being made a sacrifice to the resentment of the parliament, lost him the opportunity of defeating the views of the republicans. Unfortunately for this unhappy monarch, he always looked upon those even of his own party as enemies who inclined to moderate counsels, and only advised with men who were particularly obnoxious to the parliament, and whose interest and even security depended on the total deprivation of their power. Sir Edward Hyde, afterwards earl of Clarendon, one of the most obnoxious of the royal partizans, one of the commission, and the relator of the above-mentioned anecdotes, plainly shews, by dwelling much on the precarious situation of the King's followers should a treaty be concluded on the parliament's conditions, that motives of personal safety and interest actuated the conduct of the royal commissioners in this treaty; and by a letter, dated Oxford, January 22, 1644, from the King to the queen, it appears, that he had nominated those to be of the commission whose averfeness to concessions they could both depend on. *Clar. Hist.* vol. II. p. 444, & seq. *The King's Cabinet opened.*

have

Ann. 1645.

have proved ruinous to the parliament; but, to the reputation of the discarded officers, it must be observed, that they not only themselves submitted to the commands of the parliament, but persuaded their subalterns to a like conformity *.

Military transactions.

LANGHORN and Mitton, two active officers in the parliament's service, seizing upon the town of Shrewsbury, broke the King's line of communication with Chester, and exposed all North-Wales, Hereford, and Worcester, to the inroads of his enemies. Lord Goring †, who was preparing to invade Sussex with an army of three thousand horse and fifteen hundred foot, was forced by a party under the command of Sir William Waller to retire to Salisbury, whilst Vandrusk, a German officer in the parliament's service, threw a reinforcement into the garrison of Taunton, which had been a long time blocked up by colonel Windham for the King. Goring, on his disappointment, was ordered to march towards Dorsetshire and Somersetshire, to join Sir Richard Greenville, who lay with a strong party on the borders of this county, reduce Taunton, Weymouth, Melcomb, and the other ports in the possession of the parliament, thus secure all Somersetshire to the King, and open a passage into Devonshire and Cornwall. To prevent the execution of this plan, Sir Thomas Fairfax, who had now completed his levies, was directed by the committee of

* Whitlock says, That the return of the soldiers to their obedience was attributed in great measure to the prudence and gallantry of major-general Skippon. *Whitlock*, p. 136.

† This officer's father had been lately created earl of Newark.

both

both kingdoms to march with his forces to the West; Ann. 1645. but, on the intelligence that the King was preparing to put himself at the head of an army *, he received counter-orders to march back again, and defend the mid-land counties. These commands were immediately obeyed: colonel Welden was detached with three thousand foot and fifteen hundred horse towards

* The opinion which the King had of the situation of his affairs, in the commencement of this campaign, is expressed in several of his letters to the queen. In one dated May 4, 1645, he expresses himself thus: "And now if I could be assured of thy recovery, I would have but few melancholy thoughts, for I thank God my affairs begin to smile upon me again; Wales being well swept of the rebels, Farringdon having relieved itself, and now being secured by Goring's coming; my nephews likewise having brought me a strong party of horse and foot; these quarters are so free, that I hope to be marching within three or four days, and am still confident to have the start of the rebels this year. I am likewise very hopeful that my son will shortly be at the head of a good army; for this I have the chearful assurance of Colepeper and Hyde." In a letter dated May 14, "Upon Saturday last I received a dispatch from Montrose, which assures me his condition to be so good, that he bids me be confident that his countrymen shall do me no great harm this year; and, if I could lend him five hundred horse, he would undertake to bring me twenty thousand men before the end of this summer. For the general state of my affairs, we all here think it to be very hopeful; this army being of a good strength, well ordered, and encreasing; my son's such that Fairfax will not be refused to be fought with, of which I hope thou wilt receive good satisfaction from himself. 'Tis true that I cannot brag of good store of money; but a sharp sword always hinders starving at least; and I believe the rebels coffers are not very full, (and certainly we shall make as good a shift with empty purses as they) or they must have some greater defect, else their levies could not be so backward as they are; for I assure thee that I have at this instant more men in the field than they. I am not very confident what their northern forces are, but, except they are much stronger than I am made to believe, I may likewise include them."

Taun-

Ann. 1645. Taunton, and the general returned back, and quartered at Newbury.

DURING these traverses of the parliament's forces, the King, having been joined by the princes Maurice and Rupert, on the seventh of May had taken the field, with design to relieve Chester, at this time closely besieged by Sir William Brereton; and from thence to march towards the North, to revenge on the Scots the defeat his forces had met with at Marston-Moor. In his way to Chester he stormed and took Hawkfley-House in Worcestershire; and in Staffordshire, having received the different informations that the siege of Chester was raised, and that the city of Oxford was closely beleaguered by Sir Thomas Fairfax, he laid aside his northern design, and, with intention to divert the parliament's forces from the siege of Oxford, fell upon the town of Leicester, which he took by storm on the first assault *.

Leicester
taken and
sacked by
the King.

ACCORDING to the King's conjecture, the parliament, on the news of so important a loss as the town of Leicester, directed their general to raise the siege of Oxford, and attend the King's motions; who, on the intelligence that his garrison at Oxford was in distress, had, immediately after the storming of Leicester, set

* The whole town was sacked, and the inhabitants, without distinction of friends or foes, plundered and abused by his licentious army: thus much is allowed by Clarendon. Whitlock says, That the King's forces killed many who asked for quarter, and put divers women to the sword; and that the town was miserably plundered. *Clar. Hist.* vol. II. p. 504. *Whitlock*, p. 143, 144.

forward

forward to relieve it. At Harborough receiving the Ann. 1645. flattering account that Fairfax had drawn off his forces from Oxford, and had been repulsed with great loss in an assault on Borstal-House in Buckinghamshire *, he was encouraged to seek the enemy, without waiting the accession of two thousand foot, under the command of colonel Gerrard, expected from Wales, and three thousand horse, under the command of colonel Goring, from the West †. A de-

* It was a detachment of Sir Thomas Fairfax's army, under major-general Skippon, which was repulsed by the garrison of Borstal-House.

† Clarendon says, That, on the above-related intelligence, the royalists believed that Fairfax's army, dispirited with having failed in their two first enterprizes, were led out of the way of the King's victorious troops; and that, on this surmise, they concluded it was best to find them out while their fear was yet upon them.

The following letter from the King to the queen, dated June 9, 1645, expresses the sanguine hopes of the royal party immediately before the battle of Naseby. "Dear heart, Oxford being free, I hope this will come sooner to thee than otherwise I expected, which makes me believe that my good news will not be very stale; which, in short, is this: Since the taking of Leicester, my marching down hither to relieve Oxford made the rebels raise their siege before I could come near them, having had their quarters once or twice beaten up by that garrison, and lost four hundred men at an assault before Borstal-House. At first I thought they would have fought with me, being marched as far as Brackley, but they are since gone aside to Brickhill; so as I believe they are weaker than they are thought to be; whether by their distractions (which are certainly very great, Fairfax and Brown having been at cudgels, and his men and Cromwell's likewise at blows together, where a captain was slain) or wasting their men, I will not say. Besides, Goring hath given a great defeat to the western rebels; but I do not yet know the particulars. Wherefore I may (without being too much sanguine) affirm that, since this rebellion, my affairs were never in so fair and hopeful a way; though among ourselves we want not our own follies, which is needless, and I am sure tedious to

Ann. 1645.

Clar. Hist.
vol. II.
p. 506,
& seq.The King's
defeat at
Naseby.

tachment of Sir Thomas Fairfax's army falling into the King's quarters before he was aware of his approach, it was determined in a council of war to hazard without delay the event of a battle; and, on the report of a scout-master, who averred that he could neither see or hear any thing of the enemy, prince Rupert, imagining they had retired through fear, drew out a party of horse and musqueteers, both to discover and engage them. Intoxicated with the idea that they were flying before him, he, on the first appearance of their army, advanced speedily forward, and sent back word to the King to follow with all possible haste: the King complied with this direction, and, quitting a judicious order of battle and a favorable ground, marched up hill to the enemy, who, surveying his motions, had leisure and opportunity to form themselves to advantage. The main body of their army was headed by Sir Thomas Fairfax and major-general Skippon, the right wing was commanded by lieutenant-general Cromwell, the left by commissary-general Ireton, and the reserves were brought up by Rainborough, Hammond, and Pride. Lord Astley * led up the main body of the royalist forces, the King was at the head of the reserve of horse, prince Rupert commanded the right wing †,

tell thee, but such as I am confident shall do no harm, nor much trouble me." *Clar. Hist.* vol. II. p. 506. *Letters published by the Parliament, entitled, The King's Cabinet broke open.*

* Sir Jacob Astley, lately created a baron. *Clar. Hist.* vol. II. p. 506.

† The King had, to the great discontent of his party, set aside his old general the earl of Brentford, and put his nephew prince Rupert into his command. *Clar. Hist.* vol. II. p. 427.

and

and Sir Marmaduke Langdale the left. Prince Ru-^{Ann. 1645.}pert, with his usual alacrity, began the attack on the left wing, and with such success, that he put them to flight, and chased them to the village of Naseby, notwithstanding the gallant Ireton made such resistance, that, after he was run through the thigh and wounded in the face, he maintained the combat till he was taken prisoner. The main body of the parliament army sustained a fierce assault from the enemy, led on by lord Astley and the King himself *. Skippon being dangerously wounded, was entreated by the general to leave the field, but absolutely rejected the advice, and protested he would not stir so long as one man would stand; whilst the general himself, having had his helmet beat off, rode up and down the field bare-headed, and refused to be covered till the fate of the day was determined. The fortunate Cromwell, who commanded the best troops in the parliament's service, had equal success against Sir Marmaduke Langdale † as prince Rupert had had against Ireton; but, with superior prudence to that precipitate youth, left a party of his horse to make head against the enemy in case they should rally, and

* Whitlock says, The King shewed himself this day a courageous general, keeping close with his horse, and himself in person rallying them to hot encounters.

† Sir Marmaduke Langdale commanded the northern horse, who, according to Clarendon's account, were too much discontented with the disappointment of not returning to their own country to be trusted on any important action. The King, when he took them to the service at Leicester, promised them they should return to the North in fifteen days.

Aug. 1645. returned with speed to the field of battle, where he found the main body of the parliament army hardly pressed by the royalists. The return of Cromwell, who charged the King's infantry in flank, gave fresh courage to his friends; and the royalists, who had begun to put the enemy in disorder, were in a short space of time entirely routed, and chased out of the field; nor could the King persuade the party of horse which he headed, though joined by prince Rupert, now returned from his improvident chace, to rally and renew the charge.

In this battle, the second mortal blow to the King's fortunes, he lost his whole train of artillery, all his baggage, five thousand prisoners, and seven hundred men slain, among whom were one hundred and fifty officers. On the parliament's side were slain one thousand men *. A victory thus important, obtained by an army which chiefly consisted of new-raised troops, and whose officers, excepting a very few, had never been trusted with any of the principal commands, astonished both friends and foes, and was almost as mortifying an incident to the discarded chiefs of the

Ludlow's
Memoirs,
p. 61.

* The house of Commons gratified with considerable presents all the messengers who brought to them the news of this victory, ordered two days of thanksgiving, and sent a letter of thanks to Sir Thomas Fairfax and his field-officers. Five hundred pounds were ordered to be bestowed on a jewel for Sir Thomas Fairfax. To major-general Skippon, who had drawn up the form of the battle, they likewise sent a letter of thanks, with Dr. Clark, a physician; and at the same time desired Sir Thomas Fairfax to take care that the surgeons of the army might use their best endeavors for his recovery. *Whitlock*, p. 146.

old

old army (who, from the ill success which had attended the beginning of the campaign, had flattered themselves with the hopes of being courted to resume their offices) as to the vanquished enemy. But, to the honor of the commanders of the new model, it must be observed, that they had introduced a greater sobriety of manners, with a more rigorous discipline, than had been practised by the forces under the commands of the earls of Essex and Manchester, Sir William Waller, &c. *

Ann. 1645.
Good conduct of the new-modelled army.

BUT if the parliament's new-modelled army boasted a superiority of conduct to the old establishment, that superiority was yet more eminent when they were compared to their royalist antagonists. If we contrast the account given, both by friends and foes, of the parliament's army to that of the King's, as related by the great partizan of the cavalier faction, the lord Clarendon, the opposition will be found to be extreme. To an exact and rigorous discipline, which had been introduced by the commanders of the new model, was united in the one both sobriety and piety of manners; the hours which could be spared from military duties were spent in exercises of devotion; fighting, with them, was not a trade of blood, but an

The behavior of the King's army and the parliament's contrasted.

* That difference, says Clarendon, was observed all along in the discipline of the King's troops, and of those who marched under the command of Fairfax and Cromwell; for it was only under them, and had never been remarkable under Essex and Waller, that though the King's troops prevailed in the charge, and routed those they charged, they seldom rallied themselves again in order; whereas the other troops, if they prevailed, or though they were beaten and routed, presently rallied again, and stood in good order till they received new directions. *Clar. Hist.* vol. II. p. 508.

exertion

Ann. 1645.

Clar. Hist.
vol. II.
P. 559.

exertion of principle and obedience to the call of conscience; and their conduct was not only void of insolence and violence, but benevolent and humane: such an army, unless it meets with an adversary equal in these points, must be irresistible. On the contrary, the royalist army, who were at first disorderly by the encouragement they met with in vice from their profligate commanders, were degenerated to such a state, as to be feared by their friends, scorned by their enemies, only terrible in plunder, and resolute in running away*.

* "As many times, (says Clarendon, observing on the different characteristics of the two contending parties) men in a scuffle lose their weapons, and light upon those which belonged to their adversaries, who again arm themselves with those which belonged to the others, such, one would have thought, had been the fortune of the King's army in the encounters with the enemy; for those under the King's commanders grew insensibly into all the licence, disorder, and impiety with which they had reproached the rebels, and they into great discipline, diligence, and sobriety, which begat courage and resolution in them, and notable dexterity in achievements and enterprizes; inso-much as one side seemed to fight for monarchy with the weapons of confusion, and the other to destroy the King and government with all the principles and regularity of monarchy." This observation of Clarendon, with many others of the same kind, shew him entirely ignorant of the properties and true interests of that government he idolizes, and of the nature of those principles which connected so large a party to his master's interest; since it is plain, that, as the King endeavored to deform the constitution by introducing arbitrary power, he naturally encouraged tyranny in his officers, and licentiousness in his party; the one to accustom the people to servile obedience, and the other to render them proper subjects for it; whilst the parliament, who had undertaken the business of reformation, necessarily incited and countenanced those manners and conduct which would produce that effect. Vice and ignorance are the only support of tyranny, as virtue and knowledge are the support of freedom: only tell a wise man what kind

RAPID were the conquests which now attended the parliament's arms. Immediately after the battle of Naseby, Leicester surrendered itself to Sir Thomas Fairfax, without other terms but quarter for the governor and the garrison. This victorious general lost no time in marching to the West. To this quarter the prince of Wales had retired * : it was the only part of the kingdom where the King had at this period any face of an army ; but, by the ravages and barbarities committed by his troops, and the ill conduct of his officers, it was become ripe for an easy conquest.—At Dorchester Fairfax met with an association which had been set on foot by some of the cavaliers, as the last resource of the royal party, and styled Clubmen ; they pretended neutrality, declared their intention was to resist only those who should attack them, and to mediate peace between the King and parliament. To this end they requested a renewed treaty, with a cessation, and that the garrisons of kind of government is established in any particular society, and he will tell you what are the manners and the understandings of the people. *Clar. Hist.* vol. II. p. 295, & seq.

* On the parliament's being informed, that the King intended the prince should sue forth his livery for the duchy of Cornwall, and that the lord Essex had been applied to for a pass for furniture and utensils to furnish his house, and that Sir David Cunningham had been ordered to send down a transcript of that livery granted to the King when prince, the parliament returned answer to the lord Essex, That they did not think the King's request should be granted ; for if the prince did go into the western parts, as was desired, under the pretence to settle in Cornwall, it might be of very ill consequence to the public, for thereby he might draw away the affections of the people from the service of the commonwealth. *Parl. Hist.* vol. XIII. p. 201, 205.

Dorset.

Ann. 1645. Dorsetshire and Wiltshire should be put into their hands. Fairfax, who did not care to be interrupted from the conquest of the West, civilly told them, That he approved of their endeavors for a peace; and, after shewing the ill consequences which would attend their demands, on the reason that by papers taken at the battle of Naseby discoveries had been made for the bringing in ten thousand French and six thousand Irish, he enjoined them to give over their meetings, and proceeded to the West.

THROUGH the ill management or treachery of Goring, Taunton, which had resisted with so inflexible a resolution the extremities of a long siege as to have been termed the Saguntum of England, and which, according to advices sent by Goring, could hold out but a few days, received provisions from the adjacent county; and when Fairfax advanced to its relief, Goring and his army retired to an advantageous situation at Lamport; from whence, though as powerful in numbers as the adversary, they were beaten, with the loss of one thousand men, and obliged to retire to Bridgewater.—Bridgewater was regarded as an impregnable fortress; and the royalists of these parts had lain up in it, as a safe repository, their treasure and most valuable effects; but, to the extreme terror and disappointment of the party, on the first attack it was surrendered by its governor, colonel Windham, on terms of no greater advantage than quarter to the garrison.—The city of Bath, following the example of Bridgewater, yielded itself to the conqueror; who, after the storming and taking the
the

the castles of Sherborn and Nunny, prepared for the more important enterprize of Bristol; a garrison, by his own particular desire, especially entrusted to the care of prince Rupert; a garrison which he had taken care to recruit with great proportions both of men and money; and of which he had written to the King that he should be able to defend it four months; but which, to the surprize of all parties, on the parliament's forces entering the lines by storm, he delivered up to the enemy on terms of capitulation.—At Axminster, the scene of action which immediately succeeded the conquest of Bristol, Fairfax's quarters were beaten up by Goring, who lay in these parts with a command of sixteen hundred horse: Goring was repulsed, and obliged to repass the Ex; after which Fairfax took Tiverton by storm, and blockaded the city of Exeter.

Ann. 1645.

Surrender of
Bristol.

THE ruin of the King's affairs was hurried on by the faction, animosity, and profligacy which subsisted among his generals. Goring, after having done all imaginable disservice to the royal cause *, left the

Ruin of the
King's affairs.

* It was asserted by the inhabitants of the western counties, That Goring had from the beginning combined with the rebels; that he had wasted and ruined all the supplies which had been sent him, and now left a dissolute and odious army to the mercy of the enemy, and to a county more justly incensed, and consequently more merciless, than they; that Weymouth had been lost in the view of his army; that by a counter-scuffle at Petherton-Bridge, two of his own party, pursuing the orders they had received, fought with each other, whilst the enemy retired to their strengths; that he had discountenanced the garrison of Lamport, and dissolved it; that he had cherished the Clubmen; that he had lain with his army before Taunton full six weeks after he declared the enemy to be at his mercy within six days;

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and

Ann. 1645. command of his army to the lord Wentworth (who, according to Clarendon, was totally disqualified for the employment) and retired to France; whilst Sir Richard Greenville, another of the King's commanders, of a character equally licentious with that of Goring, retired from Oakhampton, a convenient situation both to cover the east side of Exeter, and to prevent the enemy's communication with the town of Plymouth, beyond the Tamar, to the frontiers of Cornwall; where he issued out a proclamation to treat all Goring's soldiers, who should pass the river, as enemies*.

and in that time, pretending that he would in a few days starve them, he suffered great quantities of provision to be carried into them, through his own quarters; that he had suffered his brother Porter to have several interviews with the rebels; that he had suffered two thousand of his foot to run away whilst he lay before Taunton; that he had suffered his head-quarters to be beaten up at noon-day, before the rout at Lamport; that he had so far neglected his army after that defeat, that, of between three and four thousand foot which yet remained with him, within sixteen days he had not thirteen hundred, nor ever after recovered a man, but what was gotten together by the activity and authority of the prince; that he had lain in Devonshire five months, with a body of above four thousand horse and foot, destroying and irreconciling the country to the King and the cause, without making the least attempt, or in any degree looking after the enemy, whilst the rebels, by formal sieges, took in the garrisons of Bridgewater, Sherborn, and Bristol; and that the enemy had let fall discourses as if they were sure enough of Goring. *Clar. Hist.* vol. II. p. 540, & seq.

* Sir Richard Greenville had formerly been a minion of the duke of Buckingham, and through his influence, though a younger brother, had matched himself to a woman of a large fortune; but she having been wise enough to vest her estate in trust to the earl of Suffolk, whose brother she had formerly married, Sir Richard, on a separation which his ill usage had occasioned, found himself disappointed of his prey; and moreover, on some abuse which he had flung out on
the

—The prince of Wales, who had now put himself at the head of the whole body of royal forces, advanced to the relief of Exeter; but Fairfax, on intelligenc of the enemy's motions, marched with such speed towards them, that, surprizing at Bovey Tracy a brigade of their horse commanded by the lord Wentworth, he struck a panic in the whole army, and the prince was obliged to retire to Launceston. The prince's retreat so alarmed a body of the royalists who had a long time lain siege to Plymouth, that, in the utmost disorder, they raised the blockade, and retiring beyond the Tamar, left all their cannon and

the earl of Suffolk, he was fined six thousand pounds by a decree of Star-Chamber, and committed to the Fleet-Prison, where he languished many years, for incapability of payment. This oppressive unjust decree was, among others of the same kind, under parliamentary consideration when the rebellion broke out in Ireland; and Sir Richard Greenville, who had served in the Low-Countries under prince Maurice, was sent over by the parliament in the character of major to the lord-lieutenant's regiment of horse. Clarendon says, That he committed many acts of cruelty to the Irish rebels; but declaring heartily against the cessation, he was well received by the parliament, who appointed him to the command of the horse under Sir William Waller, in an intended expedition to the West, and gave him a large sum of money for the expence of his equipage. The first and only service he did the King was by a breach of trust to the parliament; whom, by communicating their counsels to the court at Oxford, he disappointed of the possession of Basing-House. After he had offered his service to the King, he wrote a very insolent letter to the parliament; and on these merits was sent into the West, put into the possession of his wife's fortune, granted the sequestration of the estates of the earl of Bedford, the lord Roberts, and Sir Francis Drake, made high-sheriff of Devon, commander of the blockade at Plymouth, and indulged in the highest excess of rapacity; but, according to lord Clarendon, did great prejudice, rather than service, to the royal cause.

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ammunition in the hands of the enemy.—To the great inequality of manners and discipline which at this time subsisted between the two armies of the King and parliament, the King's present unpopularity had no small share, in the precipitating the conquest of the West: the publication of the papers taken at the battle of Naseby had gained many converts to the better cause; and besides the inclinations of the inhabitants of the western parts, who were ready to rise and revenge themselves on the royal army, from whom they had endured the utmost excess of oppression *, many individuals of that army, both officers and private men, shewed a very amicable disposition towards their antagonists. After the storming and taking of Dartmouth, Fairfax, leaving the blockade of Exeter to the care of Sir Hardress Waller, advanced to meet the Lord Hopton, to whom the prince of Wales had consigned the command of the royal troops, and who was marching to the relief of Exeter at the head of seven or eight thousand men. From the advantageous post of Torrington he was beaten, with the loss of above three thousand foot, and obliged to retire with his horse only into Cornwall, where he was immediately followed by Fairfax, who used all imaginable vigilance to prevent the

* The western parts, who from the beginning had manifested great zeal for the King's service, had suffered extreme hardships from the licence of the armies of prince Maurice, Goring, and Greenville. It may be remembered, that prince Maurice was advanced to that command by the King, in preference to lord Hertford, because he had less regard for the civil government of the country, and was possessed of a more soldierly roughness of temper.

remaining

remaining remnant of the royalist forces from escap-
 ing and joining the King. On the approach of Fair-
 fax, the prince of Wales was carried, by those to whom
 the King had appointed the care of his person, to the
 isle of Scilly, thence to Jersey, and from thence he
 soon after joined the queen in France *. Hopton,
 hemmed in on all sides, both by the enemy's army
 and by the inhabitants of the county, who, though
 formerly devoted to the King, had now voluntarily
 offered their services to Fairfax to assist in blocking up
 the passes to prevent his forces from escaping, retired
 with the lord Capel to the isle of Scilly, leaving his
 troops to treat for themselves. Desperate as was their
 condition, the following generous terms were granted
 them by Fairfax : That they should have leave to go
 beyond sea or to their homes ; and that they should
 surrender their horses and arms, on the condition
 that each trooper should receive twenty shillings or
 the return of his horse †. On the dissolution of this
 army, Exeter immediately surrendered on articles:

* Notwithstanding that the prince's removal out of the kingdom
 gave a general disgust, and that his repair to France was a measure so
 odious both to the King's friends and foes, that the former had some
 intentions to prevent its execution, by securing his person, yet the
 King sent his son repeated orders to join his mother in France. Lord
 Clarendon, who was one of the council whom the King had appointed
 to attend the prince, is not sparing of his abuse on the prince's gover-
 nor the earl of Berkshire, for his opposing the prince's removal out of
 the kingdom.

† Those who staid in England, as well foreigners as others, were to
 bind themselves for ever, but those who went beyond sea only for three
 years, not to bear arms against the parliament. *Rushworth*, vol. VI.
 p. 114.

and

Aun. 1645. and thus, to the glory of Fairfax and the triumph of the party, was completed the entire conquest of the West.

UNINTERRUPTED success attended every division of the new-modelled army: Oliver Cromwell, who had so highly distinguished himself in the beginning of the campaign as (by the especial desire of the general) to have been excused from paying an immediate obedience to the self-denying ordinance, who had been eminently instrumental to the gaining the battle of Naseby, who had subdued the spirit of the Club-armies which had risen in all the western counties, and who had attended Fairfax in all his important enterprizes, after the surrender of Bristol reduced to the obedience of parliament all the King's garrisons which lay to the east of this city*; and thus secured a communication between their army in the West and the city of London.

THE battle of Naseby would not have proved entirely decisive of the fate of the King, had it not been for a kind of infatuation which possessed his councils. With some scattered troops, the wrecks of his defeat at Naseby, he had in Wales, under the command of colonel Gerrard, a body of two thousand horse and one thousand foot; in the West, Goring was at the head of an army nearly equal to that which he had

* The Devizes, the castle of Winchester, Basing-House, and Laycock-House; Berkley-Castle was besieged and taken by colonel Rainborough.

lost at Naseby; the garrisons which yet remained in his possession were more numerous than those in the hands of the parliament, and they were every day strengthening by the coming-in of the routed forces. Had these advantages been skilfully managed, they were yet sufficient to have procured peace on moderate terms, or to have afforded much work for the parliament; but the King, instead of retreating into the West, and collecting his scattered forces to an army already formed, and in a country better devoted to his service than any other in the kingdom, retreated from Naseby to Hereford, and from thence to Abergavenny in Monmouthshire, where he endeavored, by the assistance of the troops under colonel Gerrard, to form a new army. The gentry of the largest fortunes in the Welsh counties, for reasons often specified in this work, had from the beginning of the war manifested great zeal in the King's service, and had paid implicit obedience to his instruments; but they had been so much insulted and harassed by the rapacious insolence of Gerrard, and were so terrified lest the King's presence should draw upon them the whole power of the parliament, that, instead of complying with his desires in the raising such a body of foot as should enable him again to look the enemy in the face, there were some whisperings of an intent to seize his person, and deliver him to the parliament. At Cardiff, where the *posse comitatus* was summoned to assist the King in the relief of Hereford, which was at this time besieged by the Scots, a long list of grievances was presented to him; and the country, thus assembled, peremptorily insisted on the

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the removal of Gerrard from his military command. The King complied with the demand; and, to appease the discontent of Gerrard, he gratified him with the title of baron, a measure which so highly irritated the country, that he found it expedient to remove; and travelling over the mountains of Brecknock and Radnor, passed the Scotch quarters, and arrived with his two thousand horse at Ludlow, thence through Shropshire and Derbyshire, and proceeded as far as Doncaster, with the intention to join Montrose, who in the absence of the Scotch army had, with the assistance of a few Irish companies and a small party of Highlanders, over-ran the whole country of Scotland, and made himself master of the capital. The northern gentry proposed to raise three thousand foot for the King's service; but, alarmed with the sudden approach of a large detachment of horse, under the command of David Lesley, who was marching with all haste from the Scotch camp before Hereford, both to relieve his own country and to prevent the King from joining with Montrose, they advised his majesty to make a speedy retreat to Newark. This advice was instantly pursued; the King, without waiting for farther recruits, returned back to Newark, and from thence fell into the Eastern association, where, after beating up some of the enemy's quarters, he repaired to Oxford: from Oxford, after a stay of two days only, he set out for Worcester, with a resolution to attempt the raising the siege of Hereford. As Lesley had left no stronger force than eight hundred horse before this town *, they retired northward on the ap-

* Under the command of the earl of Leven.

proach

proach of the King; who, whilst he was planning the relief of Bristol, at Ragland-Castle received the stunning news of its surrender. He had supported the rest of his misfortunes with patience and composure; but, stung with an acute sense of what he construed baseness and ingratitude in his nephew, he not only directed his council at Oxford * to take from him his commission, but sent him orders to repair immediately beyond sea †.

ON the cruel disappointment of the unexpected loss of Bristol, the King again resumed his project of a junction with Montrose; and, on the intelligence that Pointz and Rossiter lay with a body of three thousand horse and dragoons between the cities of Hereford and Worcester ‡, he passed through North-Wales to Chester, at this time besieged by a body of the parliament's troops §, with an intention to find a way into Scotland through Lancashire and Cumberland. The unexpected coming of so large a reinforcement || amazed both the besieged and the besiegers;

* The prince, after his defeat, had been conducted to this city.

† At the same time colonel Leg was imprisoned by the King's warrant, and his government of Oxford given to Sir Thomas Glenham. Clarendon says, That this unprovoked act of severity proceeded from the King's suspicion that colonel Leg, being much in the prince's favor, would be subservient to any of his commands. *Clar. Hist.* vol. II. p. 536.

‡ These were a detachment of Fairfax's army, whom he had left behind with directions to attend the King's motions.

§ Thirteen hundred horse and foot, under colonel Jones.

|| Troops had been gathered in Shropshire and Worcestershire, to attend the King on this expedition.

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the one regarded themselves as providentially preserved, and the other gave themselves over for lost: but the event proved contrary to both their expectations; for Pointz, having received a timely intelligence of the King's motions, arrived soon enough for the relief of his friends. He was attacked by Sir Marmaduke Langdale, on a heath within two miles of the city; but being immediately joined by the besiegers, Langdale was overpowered, routed, put to flight, and pursued to the walls of Chester; where the battle becoming more general, that body of horse which had attended the King from the defeat at Naseby were completely routed, and dispersed throughout the country.

DISAPPOINTMENTS on all sides overwhelmed the King: the great hopes he had entertained of Montrose's successes were entirely overthrown by the news of a total defeat which this hitherto-invincible general had received from Lesley; and this putting an end to all thoughts of a Scottish expedition, the King retired to Denbigh-Castle in North-Wales; and from thence, when he had gathered up his broken forces, to the number of three thousand, by Litchfield and Melbourn, to Newark. That hot-headed nobleman the lord Digby attended the King in the character of secretary of state*: he had quarrelled with all the military commanders; and now laying under the suspicion of having worked up his master's passions to the disgrace of prince Rupert, and dreading the re-

* He was appointed secretary of state after the death of the lord Falkland.

sentment of the two brothers, he had inclined the King to prefer Newark to Worcester, where prince Maurice was governor. Some premature advices concerning the success of Montrose occasioned the King to resume his resolution of marching to Scotland; and even when this advice was contradicted, Digby, who had been informed that prince Rupert was on his way to Newark, had influence enough to prevail on him to send himself and Sir Marmaduke Langdale, with all the horse, forward to the North. Digby at first met with some trifling success on a body of one thousand of the parliament's foot at Sherborn; but was routed in a few hours after by colonel Copley. The broken remains of his little army were carried by the two generals through Lancashire and Cumberland; but finding no probability of joining with Montrose, and being harraßed on all sides by different parties of the parliament forces, Digby, with the rest of the chief officers, went on board a ship for the Isle of Man, and left their troops to shift for themselves. Thus, by a mad attempt, undertaken on principles of selfishness, the King was entirely deprived of the assistance of his horse; and his character farther exposed by the losing a cabinet of Digby's papers, which were sent up to the parliament, and which produced important discoveries.

With apprehensions of being shut up by two different parties of the parliament's troops, commanded by Pointz and Rossiter, in a situation helpless and forlorn, the unfortunate King was left at Newark; and, whilst he was meditating the means of an

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escape, he sustained a mortification of a more irritating nature than any he had yet undergone. Prince Rupert, who, by rudely forcing himself into the King's presence, had in a manner compelled him to clear him of the imputation of cowardice and treachery in the surrender of Bristol, disgusted with an unaccustomed coldness in his behavior, entered into a conspiracy with Sir Richard Willis, whose rapacious insolence had obliged the King to deprive him of his government, and to confer that charge on the lord Bellasis: this was done with so much caution, and so little intended as an affront, that Willis was offered the command of the King's life-guard in the room of the lord Litchfield, who was killed before Chester; yet, notwithstanding the unmerited favor, himself, the two princes Rupert and Maurice, with all their followers, broke into the King's bed-chamber, and, in the presence of a large audience, demanded reparation for the injury which they said had been done to Willis. The King beckoned Willis to retire with him into a more private apartment; but on his refusing to obey him, he assumed spirit enough to command the mutineers to leave his presence; and the next morning, according to their desire, he sent them passes to carry them whither they chose to go.—Thus are fallen tyrants insulted by those who most abjectly submit to them in the sunshine of power; and in this manner was the indiscreet indulgence which the King had used to his nephews, for no other reason but because they were of royal rank, repaid with the most flagrant ingratitude.—The King's escape was made much more dif-

difficult by this disagreeable incident ; but beginning Ann. 1645. his march at eleven o'clock at night, he passed between the enemy's garrisons, and arrived safe at Oxford, after a fatiguing journey of thirty-eight hours.

WHILST this ill-advised prince had been thus trifling away his time, in non-effective endeavors to raise an army and unite himself to Montrose, his affairs were ruined in the West, and himself completely vanquished in a double sense, the entire rout of his forces, and the loss of his character. Many passages demonstrating the ill intentions, the want of sincerity, and the uxorious affections * of this fond and faithless monarch, taken from his cabinet seized at the battle of Naseby, have already been noticed in this work. The discoveries which the Sherborn victory produced were

* " I intend, if thou like it, says the King in one of these letters, to bestow Piercy's place upon the marquis of Newcastle, to whom yet I am no ways engaged, nor will before I have thy answer." In another, " Some find fault for too much kindness to thee ; thou mayest easily guess from what constellation that comes : but I assure such that I want expression, not will, to do it ten times more to thee on all occasions. Others press me as being brought upon the stage ; but I answer, that having professed to have thy advice, it were a wrong to thee to do any thing before I had it." In another the King tells the queen, That he inclines to make Hertford of his bed-chamber, if she likes it, and excuses himself for filling one place before he can have her opinion. In return for all this submissive condescension, the queen's style is according to the following examples : " Remember what I have written to you in the three precedent letters, and be more careful of me than you have been, or at least dissemble it, to the end that no notice be taken of it. I have received your proclamation or declaration, which I wish had not been made, being extremely disadvantageous to you ; for you shew too much fear, and do not what you had resolved upon."

of

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of a yet more important nature, and shewed that, contrary to the King's positive declarations, supplies of men and money had been solicited from Holland *, Rome, Venice, France, Denmark, and the duke of Lorrain †. These papers, entitled, " Lord Digby's Cabinet," were all published by the parliament, with the following observation: That the King and Pope were to defend the Protestant religion; Denmark and Lorrain to maintain laws and liberties; and bloody rebels in Ireland to uphold the privileges of parliament in England.

The King's
unsuccessful
messages to
the parlia-
ment for leave
to repair to
the capital.

NOTWITHSTANDING the low state of the King's fortunes, his correspondents in London yet flattered him with the hopes, that the dissensions between the factions in the parliament and city would, upon the renewal of a treaty, produce a revolution in his favor; and, could he obtain leave to treat in person with the two houses, the friends of arbitrary principles in government would strike in with his terms, to defeat the

* The terms offered to the prince of Orange were, a marriage between his daughter and the prince of Wales, and the garter for his son.

† The Grand Seignor's first minister was bribed to obtain from his master an order for sequestering all the effects of the English factors trading at Constantinople, to the King's use. This scheme was proposed by one Sir Gilbert Talbot, who had in vain solicited the Venetians for supplies, and was warmly seconded by Sir Edward Hyde. The English factors, by out-bribing the King, not only got the order of sequestration reversed, but prevailed on the Ottoman court to deliver up Sir Sackville Crow, the King's ambassador, and agent in this business, to the English parliament. *Narrative of Sir Gilbert Talbot, in Echard, fol. ed. p. 63r.*

pro-

projects of the republicans and the sticklers for civil and religious liberty. On these representations the King, by three successive pressing messages, demanded a safe-conduct for the duke of Richmond, the earl of Southampton, John Ashburnham, and Jeffery Palmer, Esqrs. to carry propositions; and by a fourth he offered, on the engagement of the two houses at Westminster, the commissioners of the parliament of Scotland, the mayor, aldermen, common-council, and militia of London, the chief commanders of Sir Thomas Fairfax's and the Scotch armies, for his free coming to, and abode in London for the space of forty days, to treat personally with the two houses of parliament at Westminster and the commissioners of the parliament of Scotland, upon all matters conducive to the restoring peace and happiness to his kingdoms *. There was a time when the offer of the King's joining his parliament without his military attendance would have been accepted with pleasure by a large majority; but that season was now over: the whole party in opposition were too well acquainted with his intriguing spirit, and too sensible of the danger they should incur from their disunion, and the strength of the cavaliers who had compounded for their delinquency, and now flocked to the capital, should he be suffered by his presence to blow up the flames of dissention among them. To the three first messages they returned answer, That finding former treaties had been

* Acherley, on this offer of the King, observes, That now, when the King's power to revenge was extinguished, he had lain aside all his fears of tumults, which he had before pleaded. *Acherley's Britannic Constitution*, p. 558.

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made use of for other purposes, under the pretence of peace, and had proved dilatory and unsuccessful, they could not give way to a safe-conduct, according to his majesty's desire; but having under their consideration propositions and bills for the settling a safe and well-grounded peace, they did resolve, after a mutual agreement with both kingdoms, to present them with all speed to his majesty. And to a fifth message, wherein the King still insisted on a personal treaty, they replied, That there had been a great deal of innocent blood of his subjects shed in the war, by his majesty's command and commissions: That there had been Irish rebels brought over into both kingdoms, and endeavors to bring over more, as also forces from foreign parts: That his majesty was yet in arms, and the prince of Wales at the head of an army in the West; there were also forces in Scotland against the parliament and kingdom by his commission, and the war in Ireland was fomented and prolonged by his majesty: That until satisfaction and security was first given to both kingdoms, his majesty's coming to the parliament could not be convenient, nor be by them assented to: That they could not apprehend it a means conducing to peace, that his majesty should come to his parliament for a few days with any thoughts of leaving it, especially with intentions of returning to hostilities against it: That his majesty's desiring the engagement, not only of his parliaments, but of the lord-mayor, &c. was against the honor and the privilege of parliament, those being joined with them who were subject and subordinate to their authority: That the only way for the
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the obtaining an happy and well-grounded peace Ann. 1645. was, for his majesty to give his assent to those propositions which should be sent to him *: That his majesty in his letter had made no mention of religion, or of Scotland †.

THOUGH the King repeated four several times his solicitations for a personal treaty, and in the last message (some recent discoveries having been made of his double-dealing in regard to the Irish rebels) made greater concessions than he had hitherto done ‡, yet

* It was the discoveries which seizing the King's papers at Naseby had produced, which determined the parliament against renewing a treaty of peace.

† This reply was made before the prince of Wales had retired to the isle of Scilly.

‡ The following were the terms which the King now offered: That if the parliament would admit of his repair to London for a personal treaty, he would send an immediate message to Ireland to stop the conclusion of the peace: That he would leave the management of the business of Ireland wholly to the two houses, and make no peace there but with their consent, in case his endeavors for a treaty should be blessed with success: That if his personal repair to London should be admitted, and a peace thereon ensue, he would then leave the nomination of the persons to be entrusted with the militia wholly to his two houses, with such power and limitations as were expressed in the paper delivered by his commissioners at Uxbridge: That if the peace succeeded, he would be content that, *pro hac vice*, the two houses should nominate the admiral, officers of state, and judges, to hold their places *quamdiu se bene gesserint*, to be accountable to none but the King and the two houses of parliament: That all Protestants, behaving themselves peaceably to the civil government, should have the free exercise of their religion according to their own way: And, for the total removing all fears and jealousies, his majesty was willing to declare, that, upon the conclusion of peace, there should be a ge-

Ann. 1645. as every day produced some fresh proof of his ill intentions and his insincerity; as he could not forbear, even in his solicitations for a personal treaty, to upbraid the parliament with rebellion and disloyalty; as his anti-parliament at Oxford had been again called together, and had passed the following irritating votes: That the commissioners of the great-seal, the judges, and pleaders at Westminster, were guilty of high-treason, and the seal to be void: That the directory which the parliament had established should not be used in divine service, but the Common Prayer to be used as by law established*; as the cavaliers began to be very busy in caballing with the different factions into which the opposition was divided; the parliament would not consent to the King's repair to London†; and, to prevent the possibility of a surprize, they passed an ordinance for making him prisoner, if he should be found within their lines of communication; and added an injunction, That all who had ever borne arms against them should immediately depart from London, on the penalty of being proceeded against as spies.

THE vigilance of the parliament thus frustrating the King's hopes of dividing their counsels by his

neral act of oblivion and free-pardon passed by acts of parliament, in both his kingdoms respectively.

* The King had had the imprudence, even in the low estate to which he was reduced after the battle of Naseby, to issue out a proclamation forbidding the use of the directory established by the parliament; whom, in the same proclamation, he upbraided with rebellion and sacrilege. *Rushworth*, vol. VI. p. 207, & seq.

† Even though he had offered to dismantle his garrisons.

presence

presence in the capital, and encouraged by a difference which had at this time arose to some height between the two nations, he turned his thoughts towards a reconciliation with his original opponents the Scots. The necessity of affairs, and the balance which the Scotch nation was enabled to give to either party, had obliged the parliament to make many very unbecoming condescensions to this avaricious and aspiring people ; but the successes of Sir Thomas Fairfax having rendered their assistance of less consequence, it produced an alteration in the conduct of the two houses. From the umbrage the Scots had taken at the new-modelling the army, they had refused to advance from the North, and had left the whole danger and drudgery of the war upon the English forces. Every day produced fresh complaints from the northern counties, of their rapine and insolence, in raising contributions, and in the taking free-quarter. To this they retaliated, That, whilst the rest of the forces employed by the parliament had received regular pay, they had been left to shift for themselves, and were reduced to the necessity of plundering or starving. The parliament, in a long narration, answered, That near two hundred thousand pounds had been already paid them, besides fifty-three thousand pounds which they had received upon the coals of Newcastle and Sunderland ; they remembered them, That, by their not employing themselves effectually for the service of the kingdom, all the ends were frustrated for which the assistance of so great and expensive an army was by them de-

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Disunion between the parliament and the Scots.

Ann. 1645. fired *: besides, when the treaty was concluded between the two kingdoms, it was, they said, supposed, that such might be the wants and necessities of England, that they might not be able to make due and constant payments to the Scotch army; yet was it not stipulated or imagined, that in default thereof they might forbear to engage their army, much less lay taxes upon the people of England to pay themselves, the public faith of the kingdom being given for the payment of their arrears with interest. According to a vote of parliament, the Scots were to receive thirty thousand pounds of their arrears, if they would advance forward and besiege Newark; but the answer they returned proving unsatisfactory, the following severe resolutions passed both houses:

* "All our horse, writes the Yorkshire committee, were drawn from their more southerly quarters, in hopes that it would engage the advance of the Scotch army from thence towards the South, according to the order of both houses and the committee of both kingdoms, and our earnest solicitations in that behalf; yet, much contrary to our expectations and desires, the Scotch forces upon Bramham-Moor that night drew northwards towards the rest of their body at Rippon, and upon Wednesday last raised their whole army from Rippon, and are marched northward, and intend all their forces to pass over Stain-Moor into Westmoreland, and so into Lancashire. By this retreat of theirs, this country is left in worse condition, by many degrees, than when they came hither: for, by the excessive burthens imposed by them, the people are generally exasperated; and the Yorkshire forces, for want of pay and provisions, anticipated by the Scotch army, much broken, weakened, and discouraged; and the home-bred enemy here much increased in number and strength; and now, by their withdrawing their forces from hence, the whole country, and all passages in it, are exposed to any attempt of the enemy." *Parl. Hist.* vol. XIII. p. 486.

RESOLVED,

RESOLVED, That the Scotch army not engaging Ann. 1645. against the enemy, according to the desires of both houses of parliament, and the continuance in the northern parts, contrary to those desires, is not only unserviceable, but prejudicial to those ends for which their assistance was desired, and destructive to those parts of the kingdom.

RESOLVED, That their laying of taxes and raising of monies upon the subjects of this kingdom, and plundering their houses and goods, is against the treaty, and against the liberty of the subject, which both kingdoms are bound to preserve; and doth disable this kingdom to pay the monthly assessment for the maintenance of that army, and the forces of the Northern association.

RESOLVED, That it be declared to the inhabitants of the Northern association, that they are not bound to pay any such monies as are or shall be taxed upon them, without the power and authority of both houses of parliament, by the Scotch officers, or any other persons.

RESOLVED, That whatsoever monies, goods, horses, or provisions, have been or shall be taken from any of the inhabitants of the Northern association, or of any other parts of this kingdom, without the power and authority of both houses of parliament, by any of the Scotch army, shall be repaid unto them out of the monies designed for the maintenance of that army.

RESOLVED, That such commissions shall be issued under the great-seal, into every county of this kingdom

Ann. 1645. dom where they shall be desired, for the certifying what money, billets, horses, cattle, goods, or provisions have been levied or taken by any of the Scotch army, with like powers and authorities as are contained in commissions already issued in that behalf into divers of the northern counties.

RESOLVED, That whatsoever monies, horses, goods, or provisions have been or shall be levied or taken by the Scotch army, upon the inhabitants or subjects of the kingdom of England, shall be accounted as so much of the pay of the Scotch army; and that this kingdom is disengaged for the payment of so much as the same shall upon proof amount to.

RESOLVED, That in case the pressures of the Scotch army upon the subjects of this kingdom be continued, and unless satisfaction shall be given touching the premises, it cannot be expected that this kingdom shall make payment of the thirty-one thousand pounds per month to the said army.

RESOLVED, That it be desired that satisfaction may be given to this kingdom; that such forces of the Scotch nation as have been put into the several garri-sons of Newcastle upon Tyne, the city of Carlisle, the town of Hartlepool, the castles of Tynmouth, Warkworth, Thirlwall, and Stockton, without the consent of both houses of parliament, may be forthwith removed, to the end the same may be disposed of in such manner as shall be thought fitting by both houses of the parliament of England.

THE commissioners of the parliament of Scotland, Ann. 1645. from being consulted with on all matters of importance relating to either kingdom, were now treated with reserve; and the parliament, apprehensive that there had been double-dealing on the part of the Scots at Uxbridge, was determined to have no more joint treaty, but to send down their propositions in bills to be passed by the King. As some few alterations and additions had been made to the propositions agreed on between both kingdoms, the Scotch commissioners complained of it, as an infringement of the treaty; but the parliament stiffly insisted on the adhering to their own determinations*.

THE growing and visible discontent between the Scots and the English parliament had occasioned the high strain of the King's messages; and some wrong-headed Scotch covenanters had suffered their resentment to carry them so far as to offer to cardinal Mazarin their services to the King, provided the crown of France would engage, if the Scots performed what they should promise, that the King should make good whatsoever should be undertaken by him, or the queen on his behalf. On this absurd application, one Montreville, an agent from the French court, was

Clar. Hist.

* The Scotch commissioners, who at this time paid a kind of court to the King, moved that the following alteration should be made in one of the parliament's replies: instead of, "And should have accounted it a great happiness if your majesty's actions had been answerable," "And shall account it a great happiness if your majesty's actions be answerable." The parliament rejected this alteration; and said, they would have their reply look as well to the time past as the time to come. *Parl. Hist.* vol. XIV. p. 167.

sent

Ann. 1645.

sent into England to negotiate a treaty between the King and the Scots; but, contrary to the King's expectations, the Scotch commissioners insisted on the establishment of Presbyterian government in England, as well as in Scotland; and alleged, That the queen had expressly promised to Sir Robert Murray, that his majesty should consent to that article.

The King
takes refuge
in the Scotch
camp.

MONTREVILLE had better success in the Scotch army, who were now before Newark: he found them in such a flame, on the English parliament's having insisted on their sending back some of their troops to Scotland, whom they had all quartered in England on the defeat of Montrose, and on their giving up those English towns they had taken and garrisoned, that he obtained leave to assure the King he might safely repair to their army upon the terms himself had proposed, and that they would send a good body of their horse to meet his majesty at any place he should appoint, to conduct him in safety to their camp. On these flattering assurances, after it had been assented to and approved by the Scotch commanders, Montreville drew up the following engagement, and sent it to the King: "I do promise, in the name of the king and queen-regent (my master and mistress), and by virtue of the powers that I have from their majesties, that if the King of Great Britain shall put himself in the Scotch army, he shall be there received as their natural sovereign, and that he shall be with them in all freedom of his conscience and honor; and that all such of his subjects and servants as shall be there with him shall be safely and honorably

ably protected in their persons; and that the said Scots shall really and effectually join with the said King of Great Britain, and also receive all such persons as shall come in unto him, and join with them for his majesty's preservation; and that they shall protect all his majesty's party to the utmost of their power, as his majesty will command all those under his obedience to do the like to them; and that they shall employ their armies and forces to assist his majesty in the procuring of a happy and well-grounded peace, for the good of his majesty and his said kingdoms, and in recovery of his majesty's just rights. In witness whereof I have hereto put my hand and seal, this first day of April, 1646." Ann. 1646.

THOUGH many days had not passed before Montreville found the Scots in so different a temper as to advise the King not to repair to their army if he had any other refuge, yet, as the parliament had reduced almost all his garrisons *, as lord Astley with a small army of two thousand horse and foot, with whom he had intended to join, with another body of fifteen hundred horse and foot, was on his march to Oxford totally defeated at Stow by colonel

* The King having offended Williams the archbishop of York, by thrusting him out of the castle of Conway in Wales, on which he had a considerable mortgage, and which he had fortified for the King at a great expence, this prelate went over to the side of the parliament, assisted their troops in reducing Conway-Castle and other strong places, and performed such services against the King, that the parliament discharged his estate from the penalty of delinquency, on condition of his taking the negative oath and the national league and covenant.

Ann. 1645. Morgan, and as Sir Thomas Fairfax was preparing to reduce Oxford, he took the desperate resolution to fling himself on the Scots; and in the night, accompanied with one Dr. Hudson and Mr. Ashburnham, in a disguise as Ashburnham's servant, he left Oxford, and, passing through many cross-roads, arrived on the fifth of May at the Scotch camp before Newark.—After this flight of the King, the duke of Richmond, the earl of Lindsey, the earl of Southampton, and other heads of his party, submitted themselves to the parliament, and were sent prisoners to Warwick-Castle.

Affairs of
Ireland.
Borlase.
Carte.
Warner.

IRELAND afforded a different scene from that which was at this time so gloriously exhibited in England: in this barbarous clime, superstition and slavery rose in proportional success as they declined in its sister isle. No sooner had the King withdrawn the Protestant forces from Ireland than the Papists, taking advantage of the occasion, perfidiously broke almost every article of the recently-concluded cessation. They committed acts of hostility on the castles and forts in the hands of the Protestants, upon their cattle and their houses, extorted great sums from them for licence to pass through their quarters, published a prohibition to all their party not to sell them any provisions, and even neglected to make their promised payments for the support of the King's army. To the reputation of the Scotch forces, they were the only body of Protestants who refused to comply with the base terms of the cessation; a few of the English afterwards joined them; and this small party preserved their footing in the country against the combined forces of

of the Popish and prelatical faction: a fact which Ann. 1645. evidences, that the entire destruction of the rebels might have been easily effected, if the Scotch and English Protestants had ever heartily united in the common cause.

COMPLYING as had been the two justices to the King's inclinations in the conduct of the cessation, their baseness was not entirely of a temper to be trusted with the execution of his farther designs; the concluding a peace with the rebels was too infamous an undertaking for the most daring court-tool in the kingdom, the marquis of Ormond alone excepted, who was sworn lord-lieutenant immediately after the cessation had taken place*; and the justices, having answered the purposes for which they were invested with the government, were deprived of their offices.—No sooner was the sovereign power deputed to Ormond, than he prepared to fulfil to the utmost the

* The lord Leicester, a man of a nature too timid to act in opposition to the authority and inclinations of parliament, had been retained by the King at Oxford, to prevent his executing his office of lord-lieutenant in Ireland. He remonstrated to the parliament, That he could not, to have saved the lives of himself and friends, have solicited more earnestly for his dispatches, but all in vain. Carte, the marquis of Ormond's biographer, writes, That the King was resolved that the lieutenant-general of the army should not be interrupted in his measures, nor his own service hurt by the arrival of a more powerful head. The same writer observes, on his hero's promotion, That the King thought it necessary to put the government of Ireland entirely into his hands; because he alone was capable, as well as willing, to keep the cessation from being violated by new and open hostilities, and to dispose matters to a general peace. *Rushworth*, vol. V. *Carte's Life of Ormond*, vol. I. p. 395, & seq. 475, & seq.

Ann. 1646. royal expectations. A large body of men was immediately sent over to serve the King against the English parliament: instead of resenting the perfidious dealing of the rebels in the breaking the articles of the cessation, commissioners were appointed to persuade them to preserve the peace*. To this end, the estates and castles of their leaders were taken from the Protestants, to whom they had been trusted in payment of their services, and returned to their owners, who were likewise flattered with the hopes of filling the posts which should become vacant in the government. Under the color of sending agents to the King to represent their grievances, a privilege allowed by the articles of the cessation, a treaty of peace was carried on at the court at Oxford, between the King and the Irish Papists; in which the latter preferred such extravagant propositions, that, the King's council thinking them too scandalous to treat on, they were suppressed, and others presented, under the appellation of being so moderate, that the Irish nation could not subsist in the condition of free subjects if their desires were not granted. The demands thus esteemed by the Papists were, The full and legal freedom of their religion; the calling a parliament, in which the Papists should have free liberty to act; the suspension of Poyning's Act, whilst this parliament was sitting; the annulling all acts and ordinances of the Irish parliament since the commencement of the rebellion; the vacating all indictments, attainders, outlawries,

* Ormond was positively commanded by the King, not to proceed by any means to a new rupture with the Irish. *Carte's Appendix to his second volume*, p. 9.

and

and grants, in prejudice of the Irish Papists ; an act Ann. 1646. of limitation for the security of estates ; an inn of court to be erected ; the schools and university to be free ; places of power, trust, and confidence, to be equally and indifferently conferred on Popish natives ; the Court of Wards to be abolished ; that no person not estated nor resident should be allowed to vote in either house of parliament ; that an act should be passed, declaring the independency of the kingdom on the parliament of England ; that the jurisdiction of the council-board should be limited to matters of state ; that the statutes of the eleventh, twelfth, and thirteenth of queen Elizabeth, concerning staple commodities, should be repealed ; that no governor should continue above three years, and during his government should be disabled from purchasing land, except from the King * ; that an act should be passed in the next parliament for the raising and settling the trainbands ; that an act of oblivion should be passed, to extend to all persons and goods : and, by way of insult on the Protestants, who were to be judged at the tribunal of a Popish parliament, the rebels proposed, That all notorious murders, breaches of quarter, and barbarities on either side, might be questioned in the next parliament, and such as should appear to be guilty excepted out of the act of oblivion, and pu-

* Had the Papists never manifested opposition on other than the principles of civil liberty, they would have met with no interruption from the English parliament ; but it is plain from the whole tenor of their conduct, that this was but a secondary object, which they would have cheerfully sacrificed to the interest of their beloved superstition.

nished

Ann. 1646.

nished according to their deserts *. Upon the grant of these propositions, they promised to contribute ten thousand men towards suppressing the power of the English parliament; and farther, to expose their lives and fortunes towards serving his majesty, as occasion should require.

AN unlucky circumstance attending this transaction, occasioned insurmountable difficulties to the councils of the court: a large body of the Irish Protestants, when they understood the resolution which had been taken to admit of the repair of Popish agents to Oxford, petitioned the government for a licence to attend the King on the behalf of the Protestant interest. On obvious considerations, this reasonable request was denied; but the Protestants, meeting with the concurrence of the Irish parliament, and under the sanction of the King's proclamation, signifying he would hear the complaints of both parties, commissioned a committee of their body to repair to Oxford, and attend to the security of the Protestant interest. The several allegations and propositions

* As several Papists fell a sacrifice to the revenge of the Protestant soldiers, for the excessive injuries their brethren had suffered, it has been the fashion of modern writers to confound the criminals on both sides in one common censure. This is flattering the Papists at the expence of justice and of truth. The acts of violence which had been committed by the Protestants on the persons of Papists, were of a very inferior nature to those unprovoked barbarities which had been inflicted by Papists on Protestants; and as the Papists, in the perpetration of their horrid cruelties, can bear no comparison but to the idea we have formed of the proprietors of Hell, so the Protestants, in the execution of their revenge, acted in the characters of men, and under the influence of human vice and infirmity.

which

which had been delivered in by the Popish agents Ann. 1646. were fully answered by this committee; who required, for the preservation of the Protestant religion, That the penal laws should continue in force, and be put in execution; that the parliament now sitting in Ireland should be continued; that all lawyers who refused to take the oath of supremacy should be restrained from practice; that the present assumed power of the confederated Papists should be dissolved; that the arms and ammunition of the said confederates should be given into his majesty's hand; that the losses of his majesty's Protestant subjects should be repaired out of the forfeited estates not otherwise formerly disposed of by act of parliament; that the said confederates should rebuild the several plantations, houses, and castles, destroyed by them in the rebellion; otherwise, that his majesty's Protestant subjects, who had been bound by their several patents to build and maintain them for his majesty's service, should be discharged from that condition in his grant; that the arrear of rent due to his majesty out of the estates of his Protestant subjects should be paid him by the confederate Papists, who had received them to their use; that exemplary punishment should be inflicted on such of the principal offenders as had embroiled their hands in shedding of innocent blood, or who had had to do with the first plot or conspiracy; that his majesty's towns, forts, and places of strength, destroyed by the confederates since the rebellion, should at their charge be re-edified, and delivered up into his majesty's hands, to be vested with Protestants; and that all fortifications made by the confederates since their

Ann. 1646.

their rebellion should be destroyed ; that his majesty's Protestant subjects should be restored to the quiet possession of all their castles, houses, &c. monies, plate, &c. from whence they had been put out and kept ; that the establishment and maintenance of a complete Protestant army, and sufficient Protestant soldiers and forces in Ireland, should be taken under his majesty's consideration ; that nothing in any respect should be granted derogatory to Poyning's Law ; that if his majesty should think fit to grant to the confederate Papists an act of oblivion, that his majesty would not allow of any discharge, or release any actions, suits, &c. whereby his majesty's Protestant subjects should be deprived of redress in respect of any wrongs they might have sustained ; that provision should be made, that none should sit or vote in parliament but such as had first taken the oaths of supremacy and allegiance.

It was not till after much sollicitation that the Protestant agents could get a copy of the propositions the rebels had preferred ; and, on the delivery of their own proposals, they were chidden by the council *, and told, That what they had asked was contrary to the sense of the body of Irish Protestants ; that their propositions would lay a prejudice on his majesty and on his posterity, remaining on record, should a treaty

* Sir Philip Percival, one of the committee who, by the King's directions, had been sent over by the Irish administration to assist at the treaty, wrote to the marquis of Ormond, That the Protestant agents observed the Irish high, and courted by divers ; and themselves, even by their acquaintances, as they thought, neglected. *Carte*, vol. III. *State Letters*, p. 305, & seq.

go on and a peace follow, which the King's necessities Ann. 1646. did enforce. The agents prudently answered, That they were strangers to his majesty's affairs in England; that they conceived these matters more fit for his majesty's council; and therefore desired to be excused from meddling in the treaty farther than manifesting the truth of the Protestants petition, and proposing in the behalf of that body according to the instructions which had been given them. On this reply, they were told by Sir George Radcliffe, That while they continued so high and unreasonable in their demands, they must expect nothing but war: "We had rather, returned they, undergo the hazard of war than consent to a dishonorable and destructive peace." On being farther pressed, by the King himself, to answer the rebels propositions in a manner more concordant to the present occasions, they told him, That they looked on those propositions as destructive to his majesty, his laws, government, and Protestant subjects *.—A committee from the Dublin council, who, for the pliability of their principles, had been selected by government for the office of advising on the affairs of Ireland, rendered insurmount-

* The earl of Bristol had the insolence to insult them on the low ebb to which the King had reduced the Protestant interest, by adding, That his majesty expected they should declare what was prudentially fit for him to do; seeing the Protestants were not in a condition to help themselves, and he would not allow them to join with the Scots, or any who had taken the covenant. To this the King added the following query: "What will become of the Irish Protestants if the Popish agents break off their treaty, which it is to be feared they will do, if they have not their propositions for the most part yielded unto?" *Rushworth*, vol. V. p. 917.

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able the difficulties which the Protestant agents had thrown on the treaty, by insisting, as a necessary security for that body, That the Irish Papists should be disarmed; that they should repay all the damages sustained by the war; that the penal laws against recusants, especially the clergy, should be put in execution; and that those who had been the most guilty of the massacres and barbarities perpetrated in the commencement of the rebellion, should be excepted from pardon*.

THE granting concessions, contrary to the opinion of the whole body of Irish Protestants, not one of the council had the hardiness to second; and the King, destitute of their authority, had recourse to the advice which had been given him by his English council in regard to Irish grievances, previous to the breaking out of the rebellion. He declared himself

* A letter from Sir George Radcliffe to the marquis of Ormond expresses something of the resentment which the court entertained on this unexpected conduct of the state-committee; viz. "Sir William Stuart and lord-chief-justice Lowther have played the fools notably, as we think here, opposing Papists more than there were any hopes to prevail, fearing to offend the parliament, and indeed seeming very averse to peace upon such terms as it might be hoped for. Sir Philip Percival agreed with them in all things, and had gone here for a round-head, if your excellence had not recommended him as you did." This Sir Philip Percival had vindicated the cessation to the parliament, on the point of necessity; and, by the directions of Ormond, had executed a good deal of court-drudgery; but the Irish peace stuck with many who had gone all lengths, and every conscientious scruple which forbade the utmost excess of villainy in so good a cause, cancelled the merits of past services, and could never be forgiven. *Carte*, vol. III. *State Letters*, p. 316.

ready

ready to release all his right to the lands which had Ann. 1646. been found by the offices appointed by the earl of Strafford, except to such as lay in the counties of Kilkenny and Wicklow, and to pass an act of limitation as desired: He consented that the book of rates should be settled by an indifferent committee of parliament: He would take care that his Irish subjects should not be oppressed by the Court of Wards: For the articles of the council-table, the votes of absentees, the sitting in parliament of persons not estated in the kingdom, he referred to his answers given formerly to the committees of parliament; and agreed that the chief governors should be inhibited from making any purchase, other than by lease, for the provision of their houses, during the time of their government: For the independency of the kingdom, he referred it to the debates of both parliaments: He knew not any incapacity upon the natives, he said, to purchase either lands or offices; if there were, he would willingly consent to an act for removing it, and also to the erecting an inn of court, university, and free-schools: He refused to declare the acts and ordinances passed in parliament since August 7, 1641, to be void; but would take care, he said, that the Popish party should not receive any prejudice thereby: He refused to annul the indictments, attainders, and outlawries, which, he added, had been legally taken and regularly prosecuted; but was ready to grant a general pardon, excepting to all such as were proper to be excluded; and to consent to such an act of oblivion as should be prepared and transmitted to him by the advice of the lord-lieutenant and the

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Irish council, who were fittest, he said, to consider in what state debts were to be left, and particular actions to be waved; in which case, he should be content to release what particularly concerned himself: For the proposition concerning the train-bands, he waved giving any conclusive answer to it for the present: And for a new parliament, as there were some doubts about the legality of its continuance since the lord deputy Wandesford's death, he was content to call a new one, upon condition that all particulars were previously agreed, and the acts to be transmitted as usual: As to the main point, concerning the repeal of the penal laws, the King answered, That they had never been executed with rigor; and if his Popish subjects would, by returning to their duty, merit his favor and protection, they should never for the future have cause to complain that less moderation was used to them than had been in the most indulgent times of queen Elizabeth and king James; and those of the party who merited his favor should receive such marks of it, in offices and places of trust, as should plainly shew his good acceptance and regard of them. —These concessions, which in a manner gave up the Protestant interest, and the security of the whole body, to their inveterate enemies the Papists, were far from satisfying the expectations they had formed from the disposition of the court. On the delivering his answer, the King admonished the Papists to consider his circumstances and their own, and how far their interest was connected and dependent on his fortunes; that if upon those conditions which he could now grant, and which were very sufficient for the security of their

their religion, lives, and fortunes, they made haste Ann. 1646. to enable him to suppress his parliament, he would never forget the merit of such a service, and it would then be absolutely in his power to vouchsafe graces to them to complete their happiness; and which, he gave them his royal word, he would then dispense in such a manner as should not leave them disappointed of any of their just and full expectations: But if, by insisting on such particulars as he could not in conscience consent to, and which would do him more disservice than all their assistance could countervail, they should delay their joining with him till his party was suppressed, it would then be too late to give him help; that they would find their strength in Ireland but an imaginary support for his or their own interest; and that, when the parliament had destroyed him, they would without difficulty root out their nation and religion *. The Popish agents, who were now fully informed of the King's situation, confessed that the demands which their principals had ordered them to insist on, were such as his majesty could not consent to in the present condition of his affairs; and promised him to use their endeavors to procure the full submission and obedience of the confederate Papists, upon such terms as he could consent to for their security.

* Lord Clarendon, who has been unfair enough to suppress every thing which in his judgment could affect the King's character, has had the weakness to insert in his History of the Irish rebellion an admonition which fixes so foul a stain on the King, and on all those of his party who were privy to his intentions.

Ann. 1646.

As the King's council, to avoid the odium they should incur by transacting a peace with the Irish, had refused to give their advice or speak their sentiments on the subject, the whole burthen of this infamous treaty was flung on the marquis of Ormond: all farther proceedings in it were referred to his management; he was ordered by the King to renew the cessation with the rebels for another year; and a commission was sent him, under the great-seal of England, to make such a full peace and union with them as should enable that kingdom to assist his majesty in suppressing his English and Scotch rebels; and to encourage in the undertaking an enterprize so full of danger and public reproach, the lord Digby assured him, That notwithstanding all appearing hazards, which might deter vulgar spirits, his excellency had nothing to fear but in the ruins of his majesty and of monarchy itself, with which he was confident he would rather perish than subsist after it. The marquis of Ormond, as himself expresses, regarded his interest as too much connected with the King's power not to run all hazards in its support; and, according to the commands and commission he had received from Oxford, a treaty of peace between the King and the Irish rebels was opened at Dublin on the sixth of September, 1645.

BESIDES the difficulties under which the King's affairs labored in Ireland from the non-compliance of the Scots, the lord Inchiquin, vice-president of Munster, though a fit tool of power, and by inclination

tion attached to the cause of royalty *, yet, being Ann. 1646. disappointed in the hopes he had conceived of succeeding Sir William St. Leger in the office of president, he determined to revenge his private wrongs by avowing the public cause; and, after openly declaring his resolution by addressing the King † to conclude a peace with his parliament, and to the parliament for supplies to carry on the war with the Irish, he picked a quarrel with the government of the town of Cork, expelled the Papists from that city, and encouraged the soldiers and officers under his command to take the covenant. Inchiquin's defection was followed by that of lord Esmond, the governor of the fort of Duncannon, who, after receiving considerable supplies from the King and the marquis of Ormond, declared himself openly for the parliament. The private soldiers of the English regiments in the North Carte, vol. II. p. 495. of Ireland could not be prevented by authority from taking the covenant; and their officers entered into an agreement with Monroe for an union with his forces in a vigorous prosecution of the war against the Irish rebels.

WHILST continual skirmishes passed between the confederates army and the non-complying Scots and

The King's private transactions with the Irish rebels, by the earl of Glamorgan.

* The supply of forces which the King had already received from Ireland had been sent by the marquis of Ormond out of Leinster, and by the lord Inchiquin out of Munster. *Carte*, vol. I. p. 469.

† This address was subscribed by the lord Inchiquin and all his officers, and concludes thus: "Whatever your majesty's resolution is hereupon, ours is to pursue the war vigorously against those inhuman and furious butchers; and we will rather choose to die martyrs in a good cause, than basely abandon its defence."

English,

Ann. 1646.

English, the articles of a treaty for a more close conjunction with the King's friends and the Irish Papists were debating at Dublin; but as, on the one side, the Papists would not recede from one tittle of their former demands, and, on the other, the King's delegate Ormond could not obtain the authority of the state of Ireland for the concluding the treaty on terms so obviously destructive to the Protestant interest *, his majesty, impatient at the delay, had entered into a private treaty with the rebels of a very extraordinary nature. The lord Herbert, eldest son to the marquis of Worcester, a zealous Papist, and connected by marriage to some of the heads of that party in Ireland, was employed by the King in this undertaking †. His majesty by

* The marquis of Ormond wrote to the King, That it would be very dangerous, if it were possible, to make peace without or against the advice of the Irish council; that a peace so made would be called no peace, but a countenancing the Irish, by the royal authority, against the English and Protestants, who would certainly disobey if the council disavowed the peace; that he supposed it was not at all to be done without them, for whatever the agreement was, it must, for the essential part of it, be drawn into acts to pass in the Irish parliament, in the transmitting whereof, according to law, the Irish council would have their votes, and might there stop it, unless Poyning's Act was suspended, which must also pass their votes. In return to this expostulation, the King sent an absolute command to the lieutenant, not to hazard the peace by seeking the approbation of the council. *Carte*, vol. III. *State Letters*, p. 431, & seq.

† This lord Herbert was the same individual who had singly seconded Strafford's advice to the King to fight the Scots, with additional proposals of a very pernicious tendency. On the breaking out of the war, he was appointed lord-lieutenant of South-Wales; but the forces which he had raised for the King, at his own and his father's expence, were all defeated in an expedition of Sir William Waller, which has been related in this History.

letter

letter signified his commands to the marquis of Ormond, to give the lord Herbert his favor and assistance towards the furthering the peace; and, that the business might receive no interruption from the envy or inability of the lieutenant, he was vested with additional powers *, and complimented with other favors and immunities †.—It was towards the end of July, 1645, when the lord Herbert arrived in Ireland ‡, where he found the confederate Papists and the marquis of Ormond debating the articles of the intended peace. A commissioner of their own body,

* He was to proceed, by the advice of the judges, against all absentees, and to seize their estates; no wardships were to be granted by the Court of Wards, but to such persons, and on such conditions, as the lord-lieutenant should think fit; a power was given him to determine all custodiams formerly granted, and to apply their profits to the support of the army; to sequester disaffected persons from the council-board; and to remove and change the governors of counties, cities, castles, and forts at his pleasure: and, that no person might suffer any punishment from having paid implicit obedience to his majesty's orders, a pardon under the great-seal was at the same time sent to the chief governor, the privy-counsellors, ministers, and others who had been employed and acted in any part of his service. *Carte*, vol. I. p. 521, & seq.

† To discharge the wardship and marriage of his son, in case he survived his father, he was made a knight; grants were made to the marquis, and his heirs, of so many of the manors and lands of the crown which should amount to one hundred pounds a year for every thousand pounds he had expended in its service, or were due to him for his entertainments; licence was also given for his repairing into England whenever he should think fit, and appointing deputies to govern in his absence. *Carte*, vol. I. p. 521.

‡ He had left Oxford in March 1644-5, but had been interrupted in his passage by one of the parliament's ships, which pursued him till he took refuge in a port of Cumberland.

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vested with very extraordinary powers, it seems, had been long expected by the Irish; nor were they disappointed of their warmest expectations. The lord Herbert produced a warrant, under the royal signet, to the following purport: That his majesty, reposing great and especial trust and confidence in his approved wisdom and fidelity, did, as firmly and to all intents and purposes as if the commission had passed the great-seal, give him power to treat and conclude with the confederate Roman Catholics of his kingdom of Ireland on terms, if upon necessity any were to be condescended to wherein his lieutenant could not so well be seen in, and not fit for his majesty at the present publicly to own: The commissioner was charged to proceed according to his warrant, with all possible secrecy; and, for whatsoever he should engage himself upon such valuable considerations, as he in his judgment did deem fit, his majesty did promise, upon the word of a king and a Christian, to ratify and perform, the said confederate Catholics having by their supplies testified their zeal for his service *.—

* Several other commissions, in a yet more extraordinary stile of confidence, and all of them signed by the King's private seal, were on proper occasions produced by the lord Herbert to persons of authority among the confederates. In one of these, dated January 6, 1644-5, the King gives the lord Herbert power for levying any number of men in Ireland and parts beyond the sea, the commanding them, the putting officers over them, governors in forts and towns, and to receive his rents. In another, dated the twelfth of the same month, he promises, on the word of a king and a Christian, That whatsoever the lord Herbert should perform, as warranted under the King's sign-manual, pocket-signet, private seal, or even by word of mouth, without farther ceremony, he would make good to all intents and purposes as effectually as if the authority had been under the great-seal of England,

On the twenty-fifth of August, 1645, a secret treaty Ann. 1646. was concluded between the lord Herbert on the King's part, and commissioners on the part of the confederates, on the following terms: That the Papists were Carte. to enjoy the public exercise of their religion, and all the churches of which they had gotten possession at any time since October 23, 1641: They were made capable of all offices of trust, and advancement, places, degrees, dignities, and preferments whatsoever, in Ireland: They were to be freed by act of parliament from all penalties and pains in any of the penal laws: They were to be exempted from the jurisdiction of the Protestant clergy, and their own clergy were to enjoy the tythes, glebes, and church-

land, with the advantage, the King said, that he should esteem himself the more obliged to the earl for his gallantry in not standing upon such nice terms to do him service; the King desires him to proceed chearfully, speedily, and boldly; and bound himself, if his commissioner should exceed what law could warrant, or the King's prerogative reach unto, not only to pardon him, but to maintain the same with all his might and power. Previous to the granting these commissions, the lord Herbert had obtained of the King a patent, unto which the great seal (which had been taken from its proper officer) was affixed by the King's servant Endymion Porter, creating him earl of Glamorgan; and on the twelfth of March 1644, another, creating him duke of Somerset, with the promise of the King's daughter Elizabeth in marriage to his son, with a portion of three hundred thousand pounds, and a commission to be generalissimo of three armies, English, Irish, and foreign, and admiral of a fleet at sea, with power to contract for wardships, customs, woods, or any other of the King's rights and prerogatives. This commission mentions, That the King had entrusted the earl with several patents, under the great-seal of England, from a baronet to a marquis, which he gave him full power and authority to dispose of. *King Charles's Transactions with the Earl of Glamorgan, by Dr. Birch. Carte's Life of Ormond, vol. I. p. 558.*

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revenues in their possession, and to exercise their jurisdiction without controul. In consideration of these concessions, the Papists were to send ten thousand men into England, under the command of the lord Herbert, who were to be kept together in one entire body, under officers named by the general assembly of the confederate Papists *.—The confederates were

* This infamous treaty with the Irish rebels, contrary to honor, contrary to conscience, contrary to the King's solemn vows, professions, and declarations, though it has puzzled, yet it has not silenced that numerous tribe of bigotted writers who have attempted the vindication of his character, at the expence of truth, morality, and religion. There are of this list of advocates who, in contradiction to undeniable evidence, have had the shameless boldness to deny the fact; others, with more modesty, have preserved an entire silence on the whole transaction; whilst others again, whose talents in the art of sophistry are in no ways inferior to the most skilful of the Jesuitical arguers, have excused the King's conduct on the plea of Necessity; a plea which, if allowed as a vindication for guilty actions, annihilates moral law: strong temptation is necessity, guilt incurs necessity; whilst circumstances, vicious appetites, and even crimes themselves, becoming advocates for more atrocious acts of wickedness, give the lye to moral sense; and confound those plain ideas of vice and virtue which the great Author of our existence has implanted in the human mind for the preservation of human innocence: a plea so contradictory to undepraved reason reflects disgrace on the urger. Neither, were it admitted, would it tend to a justification of the King, who, when his affairs in England and the Protestant interest in Ireland were in a very prosperous situation, before the Irish armies were formed under O'Neil and Preston, when very few of the castles and none of the towns, except Kilkenny, were in the hands of the rebels, before the parliament called in the Scots to their assistance, when the letters of his friends to his party in Ireland spoke nothing but triumphs, and were full of insults on the low state to which the parliament was reduced, so early as the twelfth of January 1642-3, sent instructions to the marquis of Ormond to treat with them of a peace. In another letter, of the second of February, he earnestly desires him to send him word with
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so much aware of the King's insincerity, that they Ann. 1646.
not only obliged his commissioner to swear that he

all speed of the particulars of the business, as how, when, and in what measure it will be done; assuring him that it should not be hindered by the arrival of a more powerful head. In another, of the eighth of the same month, he commands him to slacken nothing in that business, whatever the justices might say or do; and that he would hinder his Protestant subjects from concurring with them in an intended request for stopping the execution of his commission to treat with the rebels. On the twenty-third of April, 1643, the King writes, "Ormond, I have sent you herewith a command and power to make a cessation with the rebels, which, though it be not so formally legal as I could wish, yet I desire you earnestly to put those my commands in execution; and as soon as that is done, Ormond must bring over the Irish army under his command to Chester." The King actually drew out of Ireland some of the forces necessary for the defence of the Protestants in that kingdom, before the cessation with the rebels was concluded, or the Scots invading England was proposed or thought on. The promises he made the Papists, in consideration of their condescending to save appearances in the negotiation at Oxford, were of an earlier date than the treaty at Uxbridge; a treaty which he only admitted to please his own party, and not from any imagined necessity in the situation of his affairs, since he never intended to come to any terms with the parliament. Immediately before the Uxbridge treaty, the King wrote two letters to the marquis of Ormond to press the Irish to conclude a peace, and to persuade them to send him a speedy assistance in England and Scotland: in the second of these he promises, That the penal laws against the Papists shall not be put in execution; and that, when they have given him assistance, he will consent to a repeal of them by a law. In a letter immediately after the breaking up of the treaty, the King commands the marquis of Ormond to conclude a peace with the Irish, whatever it cost; and that if the suspension of Poyning's Act for such bills as shall be agreed on between the lieutenant and the Papists, and the present taking away of the penal laws against Papists, would do it, he should not think it a hard bargain, provided they did freely and vigorously engage in his assistance against his rebels of England and Scotland; for which no conditions could be too hard, "not being, the King said, against
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Ann. 1646. himself would see the articles performed, and in default thereof not to permit the army entrusted to his

conscience and honor." The marquis of Ormond meeting with an interruption in his negociation, by the council of Ireland being of opinion that the conditions the rebels stood on, and the conditions the King was willing to grant, were against both conscience and honor, his majesty gave the commission above-related to the lord Herbert, styled in the said commission Earl of Glamorgan; and this at a time when, as himself expresses to the queen, his affairs were in such a prosperous situation in England that he stood a fair chance for complete victory: and, in the same sunshine of fortune, the King wrote to the queen to promise to whom she thought fit, that he would take away all the penal laws against the Papists in England. On the urgent call of necessity, there is not one of the creatures of the court who would not have rejected every prudent honest consideration, and violated every law divine and moral, to have served a master on whose success their fortunes depended; but that the King's condescensions to the Irish rebels were on a different principle, and from other motives, and so imagined by his own party, is evidenced from the nature of undoubted facts, from the testimony of lord Sunderland, and from a letter written by Sir George Radcliffe to the lord-lieutenant, wherein is the following passage: "I must tell you the advice of a very good friend, Mr. Secretary Nicholas, who dares not write so himself: you will have many things recommended by the King and others; do not just the contrary, but forbear a little till you have returned a civil answer, and then do what you will; but let no letters put you from your own way." The King, well acquainted with the dread in which his own party beheld the growing influence of the Papists, with the same arts of deceit, carefully concealed from them, as from the rest of his subjects, his inclination towards a close connection, and his negotiations with the Irish rebels. A public dispatch he had made to Ormond, in which he commanded him to leave things to the chance of war, rather than to give his consent to any such allowance of Popery as must evidently bring destruction on that profession, which, by the grace of God, he said, he should ever maintain through all extremities, he notified to prince Rupert, with the following self-commendation: "I am sending to Ormond such a dispatch as, I am sure, will please you and all honest men:" but, in less than three months after, in a private letter to the

charge to adventure themselves in his majesty's service, but, on the twenty-eighth of August, passed the following declaration: That their union and oath of association should remain firm and inviolable, and in full strength in all points and to all purposes, until the articles of the intended peace should be ratified

the lieutenant, he writes, " I find by yours to Digby, that you are somewhat cautious not to conclude the peace without at least the concurrence of the Irish council, which if you could procure, I confess it would be so much the better; and therefore I have sent herewithal another letter to you, to be communicated to them, which takes off those restrictions which I have laid formerly upon you in a public letter: but the Irish peace is of such absolute necessity, that no compliments or particular respects whatsoever must hinder it; wherefore I absolutely command you, and without reply, to execute the directions I sent you the twenty-seventh of February last, giving you leave to get the approbation of the council, so as, and no otherwise, that by seeking it you do not hazard the peace, or so much as an affront, by their foolish refusing to concur with you; promising, upon the word of a King, that, if God prosper me, you shall be so far from receiving any prejudice by doing this so necessary a work, though alone, that I will account it as one of the chiefest of your great services to me; and accordingly you shall be thought upon by, yours, &c."

It may not be improper to subjoin to these observations, that the King, in a message to the two houses the eighth of April 1642, solemnly called God to witness, that he would never consent, upon what pretence soever, to a toleration of the Popish profession, or abolition of the laws then in force against Popish recusants in Ireland. And in a protestation which he made publicly, July 1643, before he received the sacrament from the hands of archbishop Usher, he used the following words: " May I so receive comfort by the blessed sacrament as I do intend the establishment of the true reformed Protestant religion, as it stood in its beauty in the happy days of queen Elizabeth, without any connivance of Popery." *Carte's Appendix. State Letters by Carte. Warner's History of the Irish Rebellion*, p. 290, & seq. *King Charles's Secret Transactions with the Earl of Glamorgan*, by Birch, p. 278, & seq. 341.

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in parliament, notwithstanding any proclamation of peace *.

* Previous to this negotiation, there had been an attempt made to conclude a private treaty with the rebels. Colonel Fitz-Williams, a son of the viscount Merion, had been authorised by the queen to assure them of ample conditions in point of religion, on the terms of their assisting the King with a body of ten or twelve thousand men, to be commanded by the said colonel. Of this commander and intended invasion the lord Jermyn, the queen's favorite and constant attendant, writes to the King's secretary, the lord Digby, in the following terms: " You will observe part of his demands to consist of a considerable body of horse, which must meet at the place agreed on for his landing. Marquis Newcastle being here, and acquainted with this proposition, and foreseeing the landing can only be towards the North, in Lancashire, hath believed he might not be an improper person for the conduct of this body of horse to this conjunction; and believes farther, that the stage for it being among his friends, he may serve useful in it. How reasonable this is imagined cannot be determined here, for it must rest upon the disposition that the King's troops in general will be in, when the resolution for this particular shall be taken, to determine whether marquis Newcastle or any other may be fit for the charge of conducting a body of horse to this conjunction with the colonel; in case the King think fit to set forward the business, and that he be so fortunate as to go through with it, the queen doth approve of, but not as a thing to be much relied on, for it is a great thing that will remain to be done on the colonel's part, if the King shall be able on his to comply with all the demands; which the queen believes his majesty is in no estate for, neither doth she think they are demanded so much in hopes of having them performed, as that the promise should give him means in Ireland, the better to bring about undertakings, but rather, as that which when it shall fail, if it disappoint no other enterprize of the same kind more like to produce the effects aimed at in this, which she hopes you will have a care of, can be of no inconvenience, and therefore adviseth you to consider it very seriously; and in what resolution soever shall be taken, that there be a special care had of giving the person of the colonel all sorts of satisfaction, as a man fully deserving it, and zealously affected to the King's service. If marquis Newcastle should be thought fit to have the charge of any troops appointed to join with those he shall bring, he

SOME time after the conclusion of this clandestine business, by the pressing desire of the marquis of

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he is well contented all should fall under his command, and he to command under him; if any other, he must be chosen, as that the colonel may command him as general; this is as much as need be said to you of this matter. Pray do me the favor to let the colonel know I have recommended him to you, and use him very kindly."

Two different letters, the one from lord Jermyn to lord Digby, and the other in answer from lord Digby to lord Jermyn, in which were the following passages, were taken at the battle of Sherborn among Digby's papers, and published by the parliament: "Sir Kenelm Digby writes hopefully of supplies of money from Rome, but concludes nothing; the Irish troubling all our solas, until the peace be made with them, I fear all Catholic help will be drawn that way: upon this purpose I must tell you with what amazement the delays of the peace of Ireland is considered here, and you leave us so ignorant of the conditions of the treaty, that we know not what to say of it. If yet it be not concluded, it is not likely it will be, by those who manage it now: and therefore it seems to me for satisfaction of those that so much press it, of the Irish, and to satisfy this state, who are much of that opinion, and to secure our hopes at Rome, and lastly to put that business into a possibility of being concluded, that the proposition long since made to the King, of having the treaty made here by the queen and queen-regent, were not unfitly resumed. For I am confident the King by this means might have the peace upon better terms, and might limit the queen by the same instructions that those that now treat are bound by; and upon this, one of these fruits would follow, that either — should have the peace, or the exorbitancy of their demands would be so apparent to the queen-regent, that we should have great advantage by that; the only thing I fear is, that the King's party in Ireland might possibly not acquiesce in such a peace as would be fit for the King to make, and then he would have the scandal of it (for it will be a scandalous one, that is unavoidable) without the benefit of an assistance from Ireland. To conclude, if nothing be done in Ireland, I think it most necessary that the offers of treating be withdrawn from thence, and that the queen may be trusted to treat and conclude with the queen-regent here, and with such as the Catholics of Ireland shall appoint."

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Ormond, who, in a letter to the lord Muskerry, strongly insinuated that he would join in the performance of all which should be undertaken by the lord Herbert *, a sham treaty, in the conducting of

“ The business of Ireland hath hung long in suspense, although the King hath long since given my lord of Ormond power to conclude peace there, upon the very utmost concession that can possibly be yielded unto, without causing a revolt, not only of all his party here, but also such a one of his army, and all his Protestant subjects there, as would make it impossible for the Irish to afford us any aids, they would have so much to do within themselves against those that would not submit to peace upon such terms: The truth of it is, the Irish have proceeded hitherto as if they had no good intention, having not been contented with the offers of more than their agents did profess to expect; and insisted upon those demands, the granting of which they could not but see would be absolutely destructive to his majesty, that is, the granting unto them the Protestants churches in such parishes where the number of the Catholics was greater, that is (in effect) all through Ireland. And whereas you write, That perhaps my lord of Ormond is not the fit person to conclude that business, but that the management of it should be remitted to the queen, I am much afraid that the expectation of that in the Irish hath much retarded the hoped-for issue of the treaty; but God be thanked we received men: now the certain news that the peace there is concluded, and that an express from my lord of Ormond is upon his way from Chester, with all the particulars, the utmost extent of my lord of Ormond's power to grant, was the suspension of Poyning's Act as to the passing of such bills as should be first agreed on; the repeal of the penal laws; and the allowing the Papists some chapels in private places for the exercise of their religion: but you may not take notice that he had so large a power, for happily he may have obtained a peace upon a better bargain.” *Husbands's Collections, fol. ed. p. 852, & seq. p. 858, & seq.*

* He wrote to the lord Muskerry, That he knew no subject in England upon whose favor and authority with his majesty he could better rely than upon lord Glamorgan's, nor any person whom he (Ormond) would more endeavor to serve in those things which that lord should undertake for the service of his majesty, or with whom he
would

which few difficulties were started on either side, was renewed at Dublin. On a proposal of the marquis of Ormond it was agreed, That what farther graces the confederates had to ask, in point of religion, should be referred to his majesty's pleasure; and a proposition of the rebels, that no clause in the articles of the treaty should be construed to hinder the benefit of his majesty's concessions, was admitted.—The whole business was on the point of conclusion, when it met with an interruption by a very unexpected accident. In an attempt which the rebels had made on the town of Sligo, at the end of October in the year 1645,

would sooner agree for the benefit of the kingdom. This letter was delivered by the confederate Papists to Rinnucini, the Pope's nuncio, as a proof that the lord-lieutenant would support the agreement which had been made, or any which should be made with the earl of Glamorgan. The marquis of Ormond, in a letter of an after-date, addressed to the earl of Glamorgan, professed, That though he did not understand what his lordship's authorities from his majesty were, or what ways the earl meant to take to serve him, and therefore could give no judgment of either, yet he was so great a reverencer of the King's authority, and so desirous to advance his service, that if his lordship would let him see the one, and instruct him in the ways of the other, he should find from him ready obedience to his majesty's power, and no disturbance to what he should find done for his service. Ormond's motive for his ready, passive, and active obedience, on this extraordinary occasion, is given in a kind of confession which he makes in a letter of a preceding date to the same individual, Glamorgan; viz. "My lord, my affections and interest are so tied to his majesty's cause, that it were madness in me to disgust any man who hath power and inclination to relieve him in the sad condition he is in; and therefore your lordship may securely go on in the way you have proposed to yourself to serve the King, without fear of interruption from me, or so much as enquiring into the means you work by." *Warner*, vol. I. p. 349. *Birch*, p. 163, 258.

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they were repulsed, and their commander, the titular archbishop of Tuam, was killed. In this prelate's baggage was found a copy of the private treaty which had been concluded between the King and the rebels: This was immediately transmitted to the English parliament; and the whole transaction thus becoming public, both in England and Ireland, the lord-lieutenant and council found it absolutely necessary to do something to vindicate the King's honor. The lord Digby, who was by this time arrived at Dublin*, came to the council-board; and after vehemently declaiming against the private treaty, and assuring the board that he was confident the King, to redeem his crown, his life, and the lives of his queen and children, would not grant to the confederates the least part of concessions so destructive to his regality and his religion, he charged the lord Herbert with a suspicion of high-treason †. The lord Herbert

* After his defeat at Sherborn.

† The lord Digby, in a long letter to secretary Nicholas, apologized in the following manner for the necessity of this measure: That if the conditions of peace granted to the Irish by the earl of Glamorgan were once published, and that they should be believed to be done by his majesty's authority, they would have no less fatal an effect than to make all men so believing conclude all the former scandals cast on his majesty, of the inciting the Irish rebellion, to be true; that he was a Papist, and designed to introduce Popery by ways the most unkingly and perfidious; and consequently that there would be a general revolt from him of all good Protestants with whom such an opinion did take place. "Now farther, observed the lord Digby, when we considered the circumstances convincing the truth of this transaction on my lord of Glamorgan's part, and how impossible almost it was for any man to be so mad as to enter into such an agreement without powers from his majesty, and there being some kind of
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was immediately committed; but the next day was Ann. 1646. enlarged from close imprisonment; and soon after,

a formal authority vouched in the articles themselves, we did also conclude, that probably the greatest part of the world, who had no other knowledge of his majesty than by outward appearances, would believe this true, and do according to that belief, unless his majesty were suddenly and eminently vindicated by those who might justly pretend to know him best. Upon this ground it was also concluded by us, that less than an arrest of the earl of Glamorgan, upon suspicion of high-treason, could not be a vindication of his majesty eminent or loud enough; and that this part could not properly nor effectually be performed by any other person than myself, both in regard of my place and trusts near his majesty, &c. This being our unanimous judgment of what was fit to be done, and by whom, the only question then remaining was to the point of time; in which we were also of opinion, that if it were deferred till the business, growing public otherwise, should begin to work its mischief, his majesty's vindication would lose much of its force, and be thought rather applied to the notoriety than the impiety of the thing, and rather to the pernicious effects than to the detestable cause itself. Notwithstanding, I must confess to you, that the consideration of frustrating the supplies of three thousand men, which were so confidently affirmed to be in readiness for the relief of Chester, in case the condition of that place could not bear the delay which this might occasion, wrought in us a very great suspension of judgment, whether the proceedings against my lord of Glamorgan should not be forborn till that so necessary a supply were sent away: but the case being more strictly examined, we found, first, that by the earl of Glamorgan's oath, the forces were not to be hazarded till his majesty's performance of the said earl's conditions; and, secondly, that the supply was never intended by my lord of Glamorgan and the Irish till the articles of peace were consented to, which the lord-lieutenant durst in no wise do without a preceding vindication of the King's honor, since this transaction of my lord of Glamorgan's was known unto him, and known to be known unto him by those who wanted neither art nor malice to make use of it; so that the necessary forbearance to conclude the treaty frustrating as much the relief of Chester, as the sudden and vigorous proceedings against my lord of Glamorgan could do, our resolutions did in the
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Ann. 1646. on the representation of the general assembly, That neither an intended expedition for the relief of Chester,

and determine upon that course: when at the instant, to remove all objections, information was brought us, that the thing was already public throughout the town, and began to work such dangerous effects as in truth I do not believe that my lord-lieutenant, or any of the King's faithful servants, could have been safe in the delay of this his majesty's and their vindication, which has now been so seasonably applied as that it hath wrought here not only a general satisfaction in all moderate men, but even such a conversion in many less well inclined, that whereas before a peace with the Irish, even by those unavoidable conditions upon which my lord-lieutenant must needs within a few days have concluded it, would hardly have been published in this place without very much danger, mens minds are so secured and settled by this proceeding as that I believe the peace now would be embraced upon these, and perhaps upon harder terms, without much mutiny or repining. This being so, our chief remaining fear is, lest what hath been done against my lord of Glamorgan should so far incense the Irish as to drive them to sudden extremes, things here on his majesty's part being in so ill a condition to enter again upon a war: unto this danger the best preventatives we could think of are applied; this inclosed letter written to my lord of Muskerry by my lord-lieutenant, apt persons employed to Kilkenny to acquaint them with the reasons and necessities of this proceeding, and lastly the articles of peace sent unto them with my lord-lieutenant's assent, in the very terms proposed and acquiesced in by themselves in the last results of this long treaty."

This letter, containing the narrative of the lord Digby's proceeding against Glamorgan, with several letters from the earl of Glamorgan, in particular one to the King, dated the twenty-third of February, 1645-6, fell into the parliament's hands by the accident of one of the King's ships coming into Padstow in Cornwall, on a supposition they should be well received, when, on the contrary, the people of the town, with the assistance of some of the parliament's dragoons, boarded her, and put most of the men to the sword. The packet of letters was flung overboard, but being found floating on the waters, was carried to general Fairfax; and when it was shewn to the people of the country, who were summoned for the purpose on Bodmyn-Downs, it made so great an impression on them, that the greater number expressed
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nor the treaty of peace, could go on during his confinement, he was admitted to bail *. Ann. 1646.

much willingness to assist in the blocking up the passages and ways, to prevent the royal cavalry from breaking through. Three letters of consequence, one of which was to the prince and another to Sir Edward Hyde, which the captain, an Irish Papist, confessed he was charged to deliver, and had from the hands of the earl of Glamorgan, were lost. Those which came to the hands of the parliament were published, under the title of “The Earl of Glamorgan’s Negotiations and Colorable Commitment in Ireland demonstrated; or, the Irish Plot for bringing in Ten Thousand Men and Arms into England, where Three Hundred are to be for Prince Charles’s Life-Guard, &c.” *Birch*, p. 98, & seq.

* The King, in a declaration to the parliament, solemnly protested, That the commission he had given to the earl of Glamorgan was to the purpose only of raising forces in the kingdom of England for his service; that he had no commission to treat of any other matters, without the privity and directions of the lord-lieutenant, much less to capitulate any thing concerning religion, or any property belonging either to church or laity: It clearly appeared, he said, by the lord-lieutenant’s proceedings with the earl, that he had no notice of what he had treated, or pretended to have capitulated with the Irish, until by accident it came to his knowledge. His majesty farther protested, That, until such time as he had advertisement that the person of the said earl of Glamorgan was arrested and restrained, he never heard or had any notice that the said earl had entered into any kind of treaty or capitulation with those Irish commissioners, much less that he had concluded or signed those articles so destructive both to church and state, and so repugnant to his majesty’s public professions and known resolutions. “And, for the farther vindication of his majesty’s honor and interest herein, says the declaration, he doth declare, That he is so far from considering any thing contained in those papers and writings framed by the said earl, and those commissioners with whom he treated, as he doth absolutely disavow him therein; and hath given commandment to the lord-lieutenant and the council there to proceed against the said earl as one who, either out of falseness, presumption, or folly, hath so hazarded the blemishing his majesty’s reputation with his good subjects, and so impertinently framed those articles of his

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POPERY in Ireland was at this time too prosperous not to command the attention of the court of Rome.

own head, without the consent, privity, or directions of his majesty or the said lieutenant, or any of his majesty's council there. But true it is, that, for the necessary preservation of his majesty's Protestant subjects in Ireland, whose case was daily represented to him to be so desperate, he had given leave to the lord-lieutenant to treat and conclude such a peace there as might be for the safety of that crown, the preservation of the Protestant religion, and no way derogatory to his own honor and public professions."—The King, in a letter to the lord-lieutenant and council of Ireland, recollected, That it was possible he might have thought fit to have given unto the earl of Glamorgan such a credential as might give him credit with the Roman-Catholics, in case the lieutenant should find occasion to make use of him, either as a farther assurance unto them of what he should privately promise, or in case he should judge it necessary to manage those matters for their greater confidence apart by the earl of Glamorgan, of whom, in regard to their religion and interests, the Papists might be less jealous. "This is all, writes the King, and the very bottom of what we might have possibly intrusted to the said earl of Glamorgan in this affair, which, as things then stood, might have been very useful to our service in accelerating the peace, and whereof there was so much need, as well for the preservation of our Protestant subjects there, as for hastening those necessary aids which we were to expect from thence, had we had the luck to employ a wiser man. But the truth is, being very confident of his affections and obedience, we had not much regard to his abilities, since he was bound up by our positive commands from doing any thing but what you should particularly and precisely direct him to, both in the matter and manner of his negociation."

The confederate Papists were struck with astonishment and consternation when they were informed of the King's message, disowning the earl of Glamorgan's treaty; but this nobleman found means to re-encourage them by an assurance, that part of the King's instructions were, That if by any unfortunate accident he should be involved in councils in appearance contrary to the powers given to the earl of Glamorgan, the earl should make no other account of them, but by putting himself in a condition to help his majesty, and set him free.

The

John Baptista Rinnucini, archbishop of Fermo, furnished with instructions to reduce the Irish, if not to

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The King, in the letter which he had written to the lord-lieutenant and council of Ireland, had ordered, That the charge against the earl of Glamorgan should be diligently and thoroughly prosecuted; yet, in a private letter to the lieutenant by the same dispatch, he told him, That though he had too just cause, for the clearing his honor, to command as he had done the prosecuting Glamorgan in a legal way, yet he would have him suspend the execution of any sentence against the earl until he (the King) was informed fully of all the proceedings. Three days after the date of this dispatch, a letter of the ostensible kind, which was to pass through the hands of the marquis of Ormond and the lord Digby, was written by the King to the earl. In this letter are the following expressions: "I have commanded as much favor to be shewn you as may possibly stand with my service or safety; and if you will yet trust my advice, which I have commanded Digby to give you freely, I will bring you so off that you may be still useful to me, and I shall be able to recompence you for your affection; if not, I cannot tell what to say: but I will not doubt your compliance in this, since it so highly concerns the good of all my crowns, my own particular, and to make me still have means to shew myself your most assured friend." In a letter which the King sent to the earl about the time of his enlargement, by a trusty Papist, Sir John Winter, he writes, "I am confident that this honest bearer will give you good satisfaction why I have not in all things done as you desired; the want of confidence in you being so far from being the cause thereof, that I am every day more and more confirmed in the trust that I have of you: for believe me, it is not in the power of any to make you suffer in my opinion by ill offices. But of this and divers other things I have given Sir John Winter so full instructions, that I will say no more, but that I am your assured constant friend." In two letters, the one dated the fifth and the other the sixth of April 1646, the expressions are as follow: "Glamorgan, I have no time, nor do you expect that I shall make unnecessary repetitions to you; wherefore, referring you to Digby for business, this is only to give you assurance of my constant friendship to you, which, considering the general defection of common honesty, is in a sort requisite: howbeit, I know you cannot but be confident of my making good all instructions and

Ann. 1646. be tributary as they had heretofore been, at least to be subject in spiritual matters to the papal power.

promises to you and the nuncio. Your most assured constant friend.

—Herbert, as I doubt not but you have too much courage to be dismayed or discouraged at the usage you have had, so I assure you that my estimation of you is nothing diminished by it, but rather begets in me a desire of revenge and reparation to us both: but in this I hold myself equally interested with you; wherefore, not doubting of your accustomed care and industry in my service, I assure you of the continuance of my favor and protection to you; and that in deeds more than in words I will shew myself to be your most assured constant friend." When the King was at Newcastle, in the hands of the Scots, he found means to send the following dispatch, dated July 20, 1646, to his friend Glamorgan: "Glamorgan, I am not so strictly guarded but that, if you send to me a prudent and secret person, I can receive a letter, and you may signify to me your mind, I having always loved your person and conversation, which I ardently wish for at present more than ever, if it could be had without prejudice to you, whose safety is as dear to me as my own. If you can raise a large sum of money by pawning my kingdoms for that purpose, I am content you should do it; and if I recover them, I will fully repay that money: and tell the nuncio, that if once I can come into his and your hands, which ought extremely to be wished for by you both, as well for the sake of England as Ireland, since all the rest as I see despise me, I will do it: and if I do not say this from my heart, or if in any future time I fail you in this, may God never restore me to my kingdoms in this world, nor give me eternal happiness in the next; to which I hope this tribulation will conduct me at last, after I have satisfied my obligations to my friends, to none of whom I am so much obliged as to yourself, whose merits towards me exceed all expressions which can be used by your constant friend."

After the forgeries so destructive to the King's reputation which have been charged by himself and friends on the earl of Glamorgan, after the King's protestations to the English parliament, and his professions to the state of Ireland, these excuses for an undeserved treatment, and testimonies of continued friendship and confidence, are such undeniable proofs of a shameful want of integrity in his character, that we must avow our surprize to find ingenious writers sacrificing their

was sent in the character of Pope's nuncio to assist Ann. 1646. the councils of the confederates. He arrived in Ire-

their own reputation to the vain attempt of removing clear conviction from the minds of men.

It is remarkable that though the King, in the above-mentioned declaration, terms his commissioner Earl of Glamorgan, yet Nicholas (his secretary) writes word to the lord-lieutenant, That the King had commanded him to advertise his lordship, that the patent for making the said lord Herbert of Ragland earl of Glamorgan was not passed the great-seal: "So, adds the secretary, he is no peer of this kingdom, notwithstanding he styles himself and hath treated with the rebels in Ireland by the name of earl of Glamorgan, which is as vainly taken upon him as his pretended warrant, if any such be, was surreptitiously gotten; and I am sure that honor cannot be conferred upon him under the signet as firmly as under the great-seal to all intents and purposes, as his lordship's pretended warrant and power are alleged to be, though there be no signet to it." The King's servant, Endymion Porter, put the great-seal to the patent creating the lord Herbert earl of Glamorgan; and in the patent creating the said earl duke of Somerset, the great-seal was privately put by the King himself, which gave an opportunity to the secretaries of state to argue against the genuineness of all the commissions and patents, as being issued without their counter-signing and intervention. Dr. Birch observes, That, excepting the case of his majesty's disowning the earl of Glamorgan's treaty with the Irish, upon the inconvenient publication of that treaty by an unforeseen accident, it does not appear that he was ever censured or complained of by the court for abusing his majesty's authority; that, on the contrary, after he had left Ireland and went to Paris in April 1648, in order to procure the post of lord-lieutenant of Ireland from the queen, he was well received there by prince Rupert, the marquis of Ormond, and lord Digby, as well as by her majesty; to whom his lordship having delivered the nuncio's letter, she publicly thanked him for the great pains and expences which he had been at for the King's and her service: "And it is very observable, says the same writer, that the lord Digby himself, who had charged the earl in so vehement a manner on the suspicion of high-treason on the twenty-sixth of September 1645, in a letter to the marquis of Ormond, dated from Waterford, April 7, 1646, a little above three months after, speaks of

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land immediately after the conclusion of the private treaty between the King and the rebels ; and, in his first audience of the supreme council, was complimented with an assurance that the confederates would take no step in religious matters without his advice and concurrence *.

Carte.

RINNUCINI had, to an excess, every species of vice and weakness which more particularly disgrace the priesthood: he was bigotted, vain, and superstitious, fiery in his temper, boundless in his ambition, and transported with all the diabolical passions which proceed from an high degree of spiritual pride. He had predicted, it seems, that he was destined by Providence to be the instrument of the conversion of the

him in a very different stile; viz. " Here at Waterford I have met with my lord of Glamorgan, whom I find, as he has reason, a very sad man, and withal highly incensed by some about him against me; but for this latter part, I believe his good nature and the reasons which I have given him have well settled him in a good measure of kindness, which my lord of Muskerry and the rest did think very necessary to the carrying on of business unanimously." *Warner's History of the Irish Rebellion*, p. 358, & seq. 373, & seq. 388. *King Charles's Secret Negotiations with the Earl of Glamorgan*, by Dr. Birch, p. 118, & seq. 338. *State Papers by Carte*.

* The nuncio, in his way to Ireland, had received a letter from the earl of Glamorgan, which assured him, That, in his whole negotiation between the King and the Irish, he (the earl) was resolved to proceed in concert with the nuncio, whose arrival he expected with the utmost impatience. The supreme council of the Irish rebels likewise sent him a paper, in which they strongly invited him to Ireland, and represented the terms which they promised him to insist on for the establishment of religion. *Birch*, p. 55, & seq.

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inhabitants of Great Britain to the Popish faith * ; Ann. 1646. and it was this prediction, together with an opinion of his abilities, which induced the Roman pontiff to employ him on this important occasion. The supreme council strongly represented to him, That the King, before he was supported by a Popish army, could not, consistently with his own safety or the safety of the confederate Papists, avow and publish in their full extent the concessions he had granted ; that on such a step, it was to be apprehended that all the Protestants, or at least the principal part of them, would abandon him, go over to the parliament, and, having made peace at home, would easily destroy both his majesty and the Papists.—The establishing Popery in Ireland was too confined an object for Rinnucini's zeal: neither, therefore, the critical situation of affairs, the arguments of the confederates, the King's infamous flattery, who addressed one letter to the Pope and another to the nuncio †, nor the in-

King
Charles's
Negociations
with the Earl
of Glamor-
gan, by
Birch.

* In a book he had published of the wonderful conversion of father Archange Lessy, a Capuchin friar, and his missionary functions in England and Scotland. *Carte's Life of Ormond*, vol. I. p. 559.

† The King's Letter to the Nuncio.

“ Sir,

“ Hearing of your resolution for Ireland, we do not doubt but things will go well, and that the good intentions began by means of the last Pope will be accomplished by the present, by your means, in our kingdoms of Ireland and England, you joining with our dear cousin the earl of Glamorgan, with whom whatsoever you shall resolve we shall think ourselves obliged to perform it at his return. His great merits oblige us to this confidence, which we repose in him above all, having known him above twenty years, during which time he hath always signally advanced himself in our good esteem, and by all kind of means carried the praise above all our subjects. This being

Ann. 1646. treaties of his commissioner, could prevail on him to adopt the policy of the confederates. He replied to the representation of the general assembly, that the instructions he had received from the Pope were, That he should take care that the Irish should maintain an inviolable fidelity, in the first place to God and religion, and in the second to their King *: That

being joined to the consideration of his blood, you may well judge of the passion which we have particularly for him, and that nothing shall be wanting on our part to perfect what he shall oblige himself to in our name, in consideration of the favors received by your means: confide therefore in him; but in the mean while, according to the directions that we have given him how important it is that the affair should be kept secret, there is no occasion to persuade you of, or recommend it to you, since you see that the necessity of the thing itself requires it. This is the first letter which we have ever wrote immediately to any minister of state of the Pope, hoping that it will not be the last; but that, after the said earl and you shall have concerted your measures, we shall openly shew ourselves as we have assured him."

Dr. Birch observes, That by the King's advocates it is urged, as an improbability against his letter to the nuncio, that it is dated on the thirtieth of April 1645, after the earl of Glamorgan had left Oxford, and the King knew not probably where he was: "But it is much more probable, adds this writer, that the King did know where his lordship was; since there appears to have been a correspondence between them after his lordship left Oxford; the earl's instructions to a person who subscribed himself Edward Bosden, to be presented to his majesty, dated March 21, 1644-5, being found in his majesty's cabinet taken at Naseby." *Warner's History of the Irish Rebellion*, p. 341. *King Charles's Secret Transactions with the Earl of Glamorgan*, by Birch, p. 333.

* After all the advances on the part of the King to the Roman pontiff, the nuncio using on this occasion the expression related in the text, That, next to God and religion, the Papists owed fidelity to the King, he was severely reprov'd in a letter from Rome by cardinal Pamfilio, who wrote, That that see would never, by any positive act, approve the civil allegiance which Catholic subjects paid to an heretical prince.

as the political articles of peace to be made with the Ann. 1646.
 lord-lieutenant were to be immediately published,
 and the religious ones concluded with the lord Her-
 bert to be kept secret till they were ratified by the
 King, it would appear to foreigners, who knew nothing
 of that treaty, that this peace was made on account
 of private and temporal advantages, and not for the
 honor of religion; an incident which would occasion
 great scandal among all Catholics, and great triumph
 to the heretics: Nor did it seem, he said, a sufficient
 answer to this, that the concessions with regard
 to religion would be published and made known to
 every body after they had been confirmed by the
 King, because, in fact, besides that the scandal would
 not be removed by this means, the whole affair de-
 pended on a future event: That with regard to the
 plea, that the publication of the religious articles
 could not be made at present, because the King's
 agents were apprehensive lest the publication might
 alienate the Protestants from his majesty's service,
 this ought to be an example to the supreme council,
 that they might not alienate the Pope and all Christian

prince. On the nuncio's signing a protestation of the clergy, which
 declared that they would never consent to a peace unless secure condi-
 tions were made according to the oath of association for religion, the
 King, and country, he was again reproved by Pamfilio, and told,
 That it had been the constant and uninterrupted practice of the see of
 Rome, never to allow her ministers to make or consent to public
 edicts of even Catholic subjects, for the defence of the crown and
 person of an heretical prince; and that such a conduct would furnish
 pretence to her adversaries to reflect upon her, as deviating from those
 maxims and rules to which she had ever yet adhered. *Carte's Life of*
Ormond, vol. I. p. 578.

princes

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princes from themselves, and should determine them to publish the religious articles with the others, or at least to suppress both till they had been confirmed by the King *: He insisted upon the necessity of having a Popish lord-lieutenant, and argued against some of the articles of the peace; in particular, that there was no mention made of Popish bishops, nor the erecting of Popish universities, and that the government was to be changed, and the supreme council abrogated, as soon as the peace should be concluded. —Notwithstanding the hasty compliment which had been made him of an implicit obedience to his opinions, the nuncio found the Popish laity very averse to renouncing the advantages of the royal concessions, and thus to hazard, by a continued division of their forces, the ruin of themselves and the King. After he had assembled to his own house the Popish bishops, and secured them to his party, he attempted the general assembly, which had been called to determine the dispute in question, and very warmly exhorted them to give up the peace they had concluded with the lord Herbert, and to adopt a treaty which comprehended the interests of the whole papistical body in Great Britain, which in a manner had been agreed on at Rome between the Pope and Sir Kenelm Digby †,

* Scarampi, the Pope's agent in Ireland, had, before the arrival of the nuncio, delivered to the confederates a paper against their scheme of making peace publicly with the marquis, and privately with the earl. *King Charles's Transactions with the Earl of Glamorgan*, by Dr. Birch, p. 64.

† The son of Sir Everard Digby, who had been executed for the gunpowder plot.

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and which was so well approved by the Roman pontiff, that on the grounds of it he had offered to advance immediately one hundred thousand crowns, and to continue the same donation yearly so long as the war lasted *. The copy of this treaty had been sent to the nuncio soon after his arrival in Ireland, with power to alter or add to its clauses, as he should think fit †.

* The Pope at first insisted on the King's abjuring protestantism, and returning into the bosom of the Roman church; but relented from this article on a representation, it is to be supposed, of the inevitable ruin which such an act, if by accident it became public, would bring on the King.

† ARTICLES to be sent to the Lord Rinnucini to be put in execution in Ireland, with power to add to and take from them, according to the present state of affairs, and as need shall be, which will be better understood there upon the place.

That the King of Great Britain do effectually grant in the kingdom of Ireland the free and public use of the Catholic religion, allowing the ecclesiastical hierarchy to be restored to the Catholics, with all the churches and revenues, according to the custom of the said religion; and as to the monasteries pretended to have been released to the possessors of cardinal Poole, legate in the time of queen Mary, that it be debated in a free parliament in Ireland what may or can be done in that point; as likewise touching the three bishoprics, that of Dublin, and the other two which are in the hands of the heretic Protestants, under the obedience of the King: That he annul and repeal all the penal laws, and others whatsoever, made against the said Catholics on the account of their religion, from the beginning of the defection of Henry the Eighth to this day: That for the better establishing the free and public exercise of the Catholic religion, and to add more force and security to the repeal of the said laws, the King do call a parliament in Ireland independent on that of England: That the government of the kingdom of Ireland, and the principal offices there, be put into the hands of the Catholics; and that Catholics be made capable and promoted to offices, honors, and degrees in that kingdom, in like manner as the Protestants have been till this time: That the

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AFTER the business of peace had been debated four several days without any conclusion on the matter,

King do put into the hands of the Irish Catholics, or at least such English Catholics as the supreme council of Ireland shall approve of, the town of Dublin and the other two which are held in his name in Ireland: That he join his forces with those of the Irish to drive the Scots and parliamentarians out of Ireland: This being performed by the King, and what else may in Ireland be added or altered in these articles by the lord Rinnucini, his holiness is willing to pay the queen of Great Britain an hundred thousand crowns of Roman money: That the said King do repeal all the laws made against the Catholics of England, and particularly the two oaths of supremacy and allegiance, so as they may enjoy their revenues, honors, liberties, and privileges, as other the gentlemen of that kingdom do; so that their being Catholics shall be no manner of prejudice to them; and that in the first parliament, or other settlement of the affairs of England, his majesty do approve and confirm the aforesaid repeal; and in the mean time that they do actually enjoy all manner of equality with the Protestants: That an agreement be made between the King and the supreme council of Ireland to transport into England a body of an army of twelve thousand foot under Irish commanders and officers, to whom shall be joined three thousand, or at least two thousand five hundred English horse under Catholic commanders, upon such conditions, to be adjusted between them, concerning the government of the army, the ports of their landing, and places of security, as shall be adjudged just and convenient: When the said forces shall be entered into England, and joined together in any place, his holiness will pay the first year an hundred thousand crowns of Roman money by a monthly proportion, the same to be continued the second and third year, as his forces shall stand, and according to the advantage that shall be made by the said army: And lastly, because the first six articles may speedily be put in execution, his holiness will expect the performance of them in six months from the date of these presents; and as to the eighth and ninth, that require perhaps longer time, he will stay four months more besides the six, beyond which he will not be tied to this present promise: That the King repeal all penal and even pecuniary laws against the Catholics, made since the reign of Henry the Seventh: That he exempt all Catholics from the oaths of supremacy and allegiance;

the lord Herbert, to conciliate parties and to hasten Ann. 1646.
the impatiently-expected supplies, signed an instru-

giance; but instead of this latter, if the King shall think proper, a new oath be made, such as is usually taken by the Catholics of other countries: That the King command by his royal authority a Catholic army to be raised from among his subjects of Ireland, and to be transported into England in order to defend the royal cause: That the said army be subject to the direction and command of a council of war, which shall consist of three English and the same number of Irish Catholics, together with the general and lieutenant-general of that army: That the general shall be subject to the direction and power of this council, and the three Irish commissioners be named by the Catholic confederates in Ireland, with the consent of the nuncio and the three English commissioners, named by those English Catholics with whom the nuncio in France shall agree upon that point; but if it shall happen at any time that any one of the three English commissioners who shall be nominated be disabled by death or any other accident, it shall be in the power of the said English Catholics, with the advice of the said nuncio in France, to appoint another in his room: That the said army have no generals, nor any other persons in any degree of command, either horse or foot, but who are Catholics: That all the English Catholics who are dispersed among the King's troops, or live elsewhere, be furnished with the King's authority to meet together in one body, and join the Irish army with a body of horse proportionable to the foot, under the conduct of a Catholic general, to be chosen by those Catholics with whom the nuncio in France shall consult upon that affair: That the money which his holiness and the apostolical see shall contribute to the King's necessities shall be laid out in raising troops, and upon the said army, both horse and foot; and that for that purpose, if his holiness shall think proper, it shall be delivered into the hands of those English and Irish Catholics whom the above-mentioned Catholics shall appoint commissioners of the army, in order to be laid out by them, with the approbation of the nuncios in France and Ireland: That the King deliver up into the hands of those Catholics who shall be nominated by the Pope two or three fortified places, to be kept by them as securities of the King's promise, which places shall be the strongest of those cities and forts which the King is still master of in Ireland, if the

Ann. 1646. ment whereby he ratified the articles between the Pope and the queen, and undertook that they should be confirmed by the King. This put an end to the debates: a convention was signed between the nuncio and the deputies of the general assembly, whereby it was stipulated to continue the cessation three months, in expectation of the original of the Pope's treaty, which was to be ratified between the nuncio and the lord Herbert; but that this was to be no obstruction to the confederates treating with the lord-lieutenant about political matters, provided they came to no positive conclusion or publication of articles, nor proceeded to any alteration in the civil government, nor did any thing to the prejudice of the transaction between the nuncio and the lord Herbert. When matters were thus settled between the nuncio and the confederates, commissioners were appointed to conclude with the marquis of Ormond, who, to

above-mentioned English commissioners in the Irish army shall think them sufficiently strong and well fortified; but if the King shall not have in his possession such and so many cities and forts, he shall then deliver to them one, two, or three of the principal cities and forts, which the Irish Catholics shall make themselves masters of in Ireland, and which the said English commissioners shall judge to be sufficiently strong: That the King himself sign these articles with his own hand, or send over powers to the queen to sign them in his name; in which subscription the King shall promise to confirm and ratify within three months the two first articles under his great-seal, in order that they may be delivered to his holiness and his ministers; and that as soon as he shall have it in his power he will likewise procure those first articles to be ratified and confirmed by the parliament of the whole kingdom; and that till this shall be completely executed, the above-mentioned cities and forts shall be kept as a pledge and security by the Catholics appointed as above. *Birch, p. 143, & seq.*

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his eternal infamy, though well acquainted with the circumstance of a private negociation, on the twenty-eighth of March 1646, put the finishing stroke to the sham treaty which had been so long in agitation, and by which the rebels engaged themselves to transport, between the first of April and the first of May, ten thousand foot into England or Wales, well armed and provided *.

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Peace concluded with the Irish rebels.

* The following are the conditions on which the political peace, as it is termed by the Papists, was concluded: That the professors of the Roman-Catholic religion in the kingdom of Ireland, or any other of them, be not bound or obliged to take the oath of supremacy expressed in the second of queen Elizabeth, commonly called the oath of supremacy: That the parliament may be held on or before the last day of November next, and that these articles agreed on may be transmitted into England according to the usual form, and passed, provided that nothing may be passed to the prejudice of either Protestant or Catholic party other than such things as upon this treaty shall be concluded: That all acts made by both or either houses of parliament to the blemish or prejudice of his majesty's Roman-Catholic subjects, since the seventh of August 1641, shall be vacated by acts of parliament: That no actions of law shall be removed before the said parliament, in case it be sooner called than the last of November, and that all impediments which may hinder the Roman-Catholics to sit in the next parliament shall be removed before the parliament sit: That all debts do stand in state as they were in the beginning of these troubles: That the plantations in Connaught, Kilkenny, Clare, Thomond, Tipperary, Limerick, and Wicklow, may be revoked by act of parliament, and their estates secured in the next sessions: That the natives may erect one or more inns of court in or near the city of Dublin, they taking an oath; as also one or more universities, to be governed as his majesty shall appoint; as also to have schools for education of youth in the kingdom: That places of command of forts, castles, garrisons, towns, and other places of importance, and all places of honor, profit, and trust, shall be conferred with equal indifferency upon the Catholics as his majesty's other subjects, according to their respective merits and abilities: That twelve thousand pounds

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THIS peace between Charles and the Irish Papists, purchased with the prostitution of character and the

pounds sterling be paid the King yearly for the Court of Wards: That no peer may be capable of more proxies than two; and that no lords vote in parliament, unless in five years a lord baron purchase in Ireland two hundred pounds per annum, a viscount four hundred pounds, and an earl six hundred pounds, or lose their votes till they purchase: That the independency of the parliament of Ireland on the kingdom of England shall be decided by declaration of both houses, agreeable to the laws of the kingdom of Ireland: That the council-table shall contain itself within its bounds in handling matters of state, as patents of plantations, offices, &c. and not meddle with matter betwixt party and party: That all acts concerning staple or native commodities of this kingdom shall be repealed, except wool and woolfels; and that the commissioners, the lord Mountgarret, and others named in the twenty-sixth article, shall be authorised under the great-seal, to moderate and ascertain the rates of merchandize to be exported and imported: That no governor be longer resident than his majesty shall find for the good of his people, and that they make no purchase, other than by lease, for the provision of their houses: That an act of oblivion may be passed, without extending to any who will not accept this peace: That no governor, or any other prime-minister of state in Ireland, shall be farmers of his majesty's customs: That a repeal of all monopolies be passed: That commissioners be appointed to regulate the court of Castle-Chamber: That acts prohibiting plowing by horse-tails and burning of oats in the straw be repealed: That course be taken against the disobedience of the cessation and peace: That such graces as were promised by his majesty in the fourth year of his reign, and sued for by a committee of both houses of parliament, and not expressed in these articles, may in the next ensuing parliament be desired of his majesty: That maritime causes be determined here without appeal into England: That the increase of rents lately raised upon the commission of defective titles be repealed: That all interests of money due by way of debt, mortgage, or otherwise, and not yet satisfied, since the twenty-third of October 1641, to pay no more than five pounds per cent: That the commissioners have power to determine all cases within their quarters until the perfection of these articles by parliament, and raise ten thousand
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violation of every principle of honor and morality, Ann. 1646. had been so long protracted by the intrigues of the nuncio and the cautious conduct of the confederates, that, on its conclusion, the unfortunate guilty monarch had not the face of an army left in England; a circumstance which afforded the rebels an excuse for the non-performance of their part of the stipulated conditions. They pleaded, That they were uncertain on what part of the English coast they were to land; that they were assured of no horse to support them, and ignorant of the situation in which the King's affairs then were: Besides, it was of greater consequence to his majesty's service, they said, to clear

men for his majesty: That the lord Mountgarret, Muskerrey, Sir Daniel O'Bryan, Sir Lucas Dillon, Nicholas Plunket, Richard Bealing, Philip Mac-Hugh O'Relie, Terlogh O'Neile, Thomas Fleming, Patrick Darcy, Gerald Fennel, and Jeffrey Brown, or any five of them, be for the present commissioners of the peace, Oyer and Terminer, and goal-delivery, in the present quarters of the confederate Catholics, with power of justice of peace, Oyer and Terminer, and goal-delivery, as in former times of peace they have usually had: That none of the Roman-Catholic party, before there be a settlement by parliament, sue, implead, or arrest, or be sued, impleaded, or arrested in any court other than before the commissioners, or in the several corporations or other judicatures within their quarters: That the confederate Catholics continue in their possessions until settlement by parliament, and to be commanded by his majesty's chief governor, with the advice and consent of the commissioners, or any five of them: That all customs from the perfection of these articles are to be paid into his majesty's receipt, and to his use, as also all rent due at Easter next, till full settlement of parliament: That the commissioners of Oyer and Terminer and goal-delivery shall have power to hear and determine all offences committed or done, or to be committed or done, from the fifteenth day of September 1643, until the first day of the next parliament. *Borlase, p. 157, & seq.*

Ann. 1646. one of his kingdoms, than to attempt to assist him in England under such difficulties and dangers. Thus the magnificent promises which the confederates had made, of supporting the King's power over all the empire of Great Britain, were reduced to the simple preservation of Ireland only ; an undertaking which, in the execution, proved as impracticable as had turned out every other of their pernicious yet abortive schemes.

As a previous step to an union of forces, a measure dictated by the obvious necessity of affairs, the supreme council of the rebels was prevailed on to publish singly the articles of the political treaty they had concluded with the marquis of Ormond. Rinucini, the Pope's nuncio, had declared, That if the political peace was published without the ecclesiastical, or the ecclesiastical without the free and public exercise of religion, and without waiting for the original treaty from Rome, he would not consent to it ; and this public act of the supreme council, contrary to the deference with which he had been at first idly complimented, and in opposition to his avowed opinion, so enraged the proud hot-headed prelate, that, not meeting with a direct submission to a protestation he had sent to the supreme council, signed by himself, with two titular archbishops and six bishops, he prepared to chastise the stubbornness of the laity with all the influence of ecclesiastical authority. In an assembly of the clergy, whom the nuncio, under the pretence of a visitation, had called together at Waterford, all persons who adhered to the peace were
pro-

declared guilty of perjury in violation of their oath Ann. 1646. of association; excommunication was pronounced against the commissioners, and all who had been instrumental in treating of the peace; against all who should either receive or pay any money pursuant to the orders of the Kilkenny council; all churches were interdicted, and divine service forbid to be celebrated in all cities and towns which admitted the peace; all the clergy, secular and regular, were suspended from the exercise of their function, who spoke in favor of it, with all confessors who should offer to absolve any of its adherents: and, for the better union of the party, a new oath of association was drawn up, whereby the confederates swore, That they would not adhere to any peace but to such as should be honorable in the view of the world, secure to their conscience according to the oath of association, and so approved by the congregation of the clergy of Ireland.—This exertion of ecclesiastical authority did not fail of its designed effect: vehement exclamations were uttered all over the kingdom against a peace, which, it was said, gave up the point of religion. The herald sent by the marquis of Ormond was not suffered to proclaim it either at Waterford or Clonmel; and though at Limerick he had gained the assent of the mayor and the majority of aldermen, yet a mob which had been raised by the priests obliged him to desist, and had near killed him in the attempting to discharge his office. The counsellors of Kilkenny, either awed by superstitious reverence, or by the general obedience which the decrees of the clergy had met with, did not dare either to exhibit in form or

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publish an appeal they had drawn against the censures of the church: instead of attempting to subdue the opposition of the clergy, they sent deputies to Waterford to court them to an accommodation, and received in return a set of extravagant propositions; among which was demanded, That Owen O'Neil and Preston, the friends of the new confederacy, should for their greater security be made, the one general of the horse, and the other major-general of the field.

THE jealousy which had, from the beginning of the confederacy, subsisted between the old Irish and the Papists of English descent, had occasioned the latter to omit making in the lately-concluded peace any provision for the natives, on the very article on which they had begun their insurrection; viz. their grievances by the new plantation of Ulster. Their commander, Owen O'Neil, had been likewise neglected in the list of generals to be made on the peace. He had lately gained an advantage over Monroe; and to him the nuncio had recourse to coerce the authority of the clergy.—On the thirty-first of August, a month after the conclusion of the peace, the marquis of Ormond arrived from Dublin at Kilkenny, to receive the submissions of the rebels, and to consult on an union of forces against the common enemy. He had sent Daniel O'Neil *, nephew of the Ulster general, with an offer to his uncle, That in case he would heartily contribute his assistance to the service of the

* This Irish Papist, Daniel O'Neil, was of the King's bed-chamber, and a great favorite with his master and several of his court.

King

King and the support of the peace, he (the mar- Ann. 1646. quis of Ormond) would confirm by his authority all his commands, with every privilege which he at present enjoyed; that he would grant him a custodium of all the lands of O'Neillan which should be found to belong to any who did oppose the peace and his majesty's authority; and to assure him of every other advantage which he could reasonably pretend to. Large as were these overtures, they were rejected by Owen, who had entered into a close engagement with the nuncio: and Ormond, instead of a general submission of the Irish to the authority deputed to him by the King (an advantage for which he had so infamously entered into the chicanery of the party) found himself in a very uneasy and unsafe situation among them.—As he drew near Cashel, in a progress which he had made, accompanied with the marquis of Clanrickard and the lord Digby, to attempt to conciliate the affections of the people, he received letters from the mayor of the city, informing him that the town was threatened with instant destruction if they gave him admittance, and that Owen O'Neil was marching that way with all his army. Whilst Ormond was hesitating whether he should return to Dublin, before he had finished his intended negotiations for the effectuating the peace, he was informed by the earl of Castlehaven, That there was a design laid by O'Neil and Preston to intercept him; that both their armies were on their march to cut off his retreat; that he had not a moment's time to lose; and would inevitably be lost, unless he returned back, repassed the Barrow, got that river between him and

Ann. 1646. the enemy, and endeavored by long marches to reach Dublin before them. There was now no time to dally: Ormond was obliged to an immediate retreat; and luckily reached Dublin in safety, without other damage than the plundering his baggage at Kilkenny, and the loss of reputation, in having thus publicly appeared the dupe to the deceitful conduct of the confederates.

THAT busy politician the lord Digby was left by the marquis at Kilkenny, to renew the interrupted negociations with the rebels. To the clergy he made a proposition of a firm and authentic, though private assurance of the repeal of the penal laws; and that the clergy should not be put out, nor molested in their ecclesiastical possessions, provided the nuncio and three or four bishops would give it under their hands, that they would rest satisfied with the peace, and enjoin a faithful submission to it to all those over whom they had power.—In vain did the King and his creatures expose their baseness by repeated offers to the rebels, which were either neglected, rejected, or unfruitful of return: both the former private connivance of Ormond, and the present positive proposal of Digby, were equally ineffectual. The nuncio was too much elevated with his success to hearken to any terms but what he should himself prescribe. Owen O'Neil was now, after the taking of Roscria, in which he had as usual put man, woman, and child to the sword, advanced within three miles of Kilkenny. The castle of Kilkenny, of which the lord Mountgarret was governor, surrendered to the new confederacy;

deracy ; and the nuncio, who was met on the way Ann. 1646. by general Preston, with some troops of horse, and by the Spanish agent, at the head of a body of the neighboring gentlemen, made on the eighteenth of September a public entry into the city.—The clergy now assumed the whole government to themselves : after imprisoning the greater number of the members of the supreme council, with others who had appeared zealous for the peace, they appointed a new one with equal powers, of which the nuncio was to be president, and which consisted of four bishops and eight laymen. The King's zealous friend the lord Herbert, who had entirely devoted himself to the nuncio, was made general of Munster, in the room of the lord Muskerry, with the promise of being appointed lord-lieutenant when the marquis of Ormond should be driven out of Dublin *.

* “ Among other patents and commissions signed by the King and brought by the earl of Glamorgan from England (writes the nuncio to cardinal Pamfilio, the Pope's nephew and chief counsellor) there is one appointing him lord-lieutenant of Ireland upon the expiration of the marquis of Ormond's term of holding that post, or in case the marquis should, by any fault, deserve to be removed from it. The way seems now open for us ; since the marquis of Ormond is publicly negotiating with the parliamentarians, and consequently making a treaty with the King's enemies : Upon this occasion the earl, being desirous of advancing himself to the marquis's post, has begun to solicit the consent of the kingdom, and believes that he has the interest of the two generals, and almost all the congregation of the clergy and the new council. I have thought it the more proper to promote this affair, since, when Dublin shall be taken, it will be immediately necessary for the kingdom to provide a lord-lieutenant ; and it is a point of no small importance, in the present situation of affairs, to begin with appointing to that post a Catholic so highly beloved by this kingdom and the King himself. Besides, it is to be considered, that

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It was on this enterprize, as the finishing stroke to their intestine broils, that the confederacy bent their whole designs. Ormond, unable to provide for a siege, had recourse in his distress to the English parliament, who readily embracing the offer of extending, without a large expence of blood and treasure, their authority in Ireland, sent over five commissioners to treat with the lieutenant on the surrendering into their hands the sword and garrisons. The report only that forces from the English parliament were arrived and admitted into Dublin so terrified Owen O'Neil, that, calling all his men to their posts, he immediately decamped from Lucan, and retreated first into Meath, and from thence into the Queen's County: the new council and the nuncio retired with the same haste to Kilkenny: whilst Preston, with his

that the King's inclination and pleasure concur with this design; for though his majesty has appointed the earl by his lesser seal only, yet that is sufficient for the Irish, since they have just reason to consider that appointment legal and valid. Add to this, that as the confederates of Ireland have it in their view to transport the holy faith into England by their arms, no person appears to be more fit for the execution of such a purpose than the earl, in whom two characters are united, those of a faithful servant to the King and a perfect Catholic; and who the winter before was ready to carry over to the King, from that country, ten thousand men for the same purposes. Some, and those but a few, oppose this design, upon this single consideration, That the earl, being both an Englishman, and of a very mild temper, will not be favorable enough to Ireland, nor exert the firmness necessary in this case: but I believe no better choice can now possibly be made; and that the appointment of a Catholic lord-lieutenant, who is in so many respects attached to the apostolical see, and bound to it by oath and promises, which the earl has an hundred times repeated to me, is sufficient to weigh down every other doubt." *Birch, p. 253, & seq.*

officers,

officers, on the marquis of Clanrickard undertaking Ann. 1646. for a repeal of the penal laws, and the preservation of the churches to the Popish possessors till the King's pleasure, upon the full settlement of the kingdom, was known, entered into an engagement to observe the late peace, to be from thenceforth obedient to the King's authority, and to join with the marquis of Ormond against all his majesty's enemies, and against such as should not upon the same terms submit. The danger with which Ormond was threatened being thus unaccountably and unexpectedly dispersed, he began to form other schemes than the delivering up Dublin into the power of the parliament: after keeping up for four days the farce of a treaty, he objected to the propositions which had been made by the parliament for the security of the Irish Protestants, with the security of himself, his family, and fortune, and preposterously told them, That as they did not bring his majesty's orders he could not, consistent with his duty, part with so great a trust *.—Thus disappointed, the commissioners re-embarked, and carried their supplies to Ulster, where they were ill received by the Scots, and their forces refused entrance either into Carrickfergus or Belfast.

ORMOND had soon reason to repent of his double-dealing: Preston †, on whose assistance he had de-

* It appears by letters between the lieutenant and the lord Digby, that the treaty with the parliament was only commenced to get powder from their ships in the river, and to prevent being annoyed from them till foreign supplies could be procured. *Carte*, vol. III. *State Letters*, p. 515.

† The treaty between Ormond and the general Preston was transacted by that Quixote politician Digby, who was very angry with the lieu-

Ann. 1646. pended, entered into new engagements with the nuncio, whose influence, in a general assembly he had called at Kilkenny, so highly prevailed, that the peace concluded with the lieutenant was utterly rejected, and the following articles insisted on: That Popery should be established all over Ireland, with the possession of all churches, benefices, and dignities ecclesiastical: That the common law should be repealed, so far as it gave the crown any ecclesiastical authority: That the clergy should have power to erect universities and schools under their own regulations, to appoint provisions to bishoprics, dignities, and livings, as they had done since the beginning of the war, and to exercise their ecclesiastical jurisdiction in its full extent. A new oath of association, framed for the continuance of their union, was annexed to these

lieutenant for having delayed the conclusion for a few days, on the fear lest the Protestants should open the gates of Dublin to the parliament's commissioners, should it be made public that one of the articles of the treaty was, That a considerable number of the confederate Catholics should be drawn into all the chief garrisons under his majesty's obedience. "It will be taken to be a strange turn, writes Ormond, when such as have still been either open or implacable enemies, or, which is worse, such false friends, as, out of a solemnly-concluded and by them received peace, to have leapt into the openest and most violent act of hostility, and who have but newly (and, as it will be said, when rather their power than their will failed them) quitted their design of taking this city by force, shall be received and fed by those whom they can besiege no longer, and whose throats within these eight days they would have cut; for it appears not that they bring either money or victual with them; and that for the reception of these men we have sent away those, who, it will be said, were invited to our deliverance, and brought with them wherewith not only to defray themselves, but to relieve our wants." *Carte*, vol. III. *State Letters*, p. 524.

pro-

propositions, and taken by all the members of the Ann. 1646. assembly. The councils of the clergy, and that party of the rebels who had been guilty of the barbarities committed in Ulster in the beginning of the rebellion, were now predominant among the confederates; and in their general assembly it had been openly moved to apply to the Pope, or to some foreign prince, and in particular the King of Spain, for his assistance under the title of Protector.—Ormond, having in vain attempted to come to terms of accommodation with the Popish party, and finding himself totally unable to withstand their united forces, had again recourse to the protection of the English parliament, and offered to deliver up the garrisons and sword on the conditions he had before refused, to such persons as they should depute to receive them. To prevent the being a second time deceived, the parliament insisted that Ormond should send over, as hostages for the performance of articles, one of his sons, with other persons of quality. This was immediately complied with; and the hostages being received in England, the five commissioners before employed on the same errand arrived in the bay of Dublin on June 7, 1647, with a supply of more than six hundred horse and fourteen hundred foot: and on the nineteenth of the same month was concluded a treaty, by which the lord-lieutenant, on the twenty-eighth, was to surrender the government *, on condition that the Protestants, and all others who had paid contribution,

* Previous to this treaty, the parliament had voted the lord Lisle, son to the earl of Leicester, to be the lord-lieutenant of Ireland.

Ann. 1646.

were to be protected in their persons and estates ; that all noblemen and gentry who would go with the marquis of Ormond out of Ireland were to have passes ; and the Popish recusants who had not assisted nor adhered to the rebels, were to be encouraged to hope, according as they should demean themselves, for the favor of parliament, in the quiet enjoyment of their estates and habitations*.

* The delivering up Dublin to the parliament was an act of necessity, against the positive orders of the King. In a letter in which he approved Ormond's former chicanery in his treaty with the parliament, and his coalition with Preston, he wrote for farther directions : " I can only say, that upon no terms you must submit to the ew ik, and that you endeavor what you can to repiece your breach with the Irish, in case you can do it with honor and a good conscience." It appears by a letter from Digby to the lieutenant, that the same false dealing would have been again used, and this second treaty proved non-effective, had proportional powers, which were daily expected, arrived from France. *Warner*, p. 400. *Carte's State Letters*, vol. III. p. 555.

C H A P.

C H A P. IV.

Growth of the Independents.——Dispute concerning the right of disposing of the King's person, between the parliament and the Scots.——The King surrenders his garrisons into the hands of the parliament.——The parliament sends conditions to the King.——He refuses the parliament's conditions.——Farther disputes between the parliament and the Scots.——Resolution of the Scotch parliament to give up the King.——The King delivered into the hands of the parliament's commissioners.——Death and character of the earl of Essex.

IN proportion as the King's power approached nearer Ann. 1646. its dissolution, the differences which had for some time subsisted among his enemies, and which had served to postpone his fall, grew more fierce and irreconcilable. Among the Presbyterians (the only Growth of the Independents. known party who, in the commencement of the civil war, had opposed the tyranny of the times *) there had from the beginning lurked a secret distinction, which common danger, and a consciousness of that weakness which attends the infancy of party, had for some time suppressed; but as these dissenters increased in numbers, and as the power of the crown grew less formidable, they no longer sheltered themselves under the wings of the Presbyterians; but, avowing different principles and different views, divided into a distinct party, and were stiled Independents. The Independents (for they took their name from the na-

* They were joined by some of the moderate Episcopalians.

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ture of the tenets they professed) rejecting all church power, as productive of the worst kind of tyranny, and inconsistent with the plain precept of the gospel, would allow of no ecclesiastical subordination, no government among pastors, no interposal of the magistrate in spiritual concerns, nor fixed encouragement annexed to any system of doctrines and opinions; all their congregations were formed upon a principle of co-ordinacy; all essential distinction was denied between the laity and the clergy; vocation, institution, and laying on of hands were rejected, as politic snares; and the election alone of the congregation was deemed sufficient to bestow the sacerdotal character. The doctrine of toleration, in these enlightened ages adopted by the liberal of almost all persuasions, owed its origin to the Independents *, whose declared averfeness to persecution and church tyranny was too opposite to the bigotry and views of the Presbyterians,

* The house of Commons, who from the beginning had exerted themselves so nobly for the civil liberties of the kingdom, in their famous remonstrance to the King, justified themselves, as from the highest imputation, of any intention to relax the golden reins of discipline in the church. The reformed churches of France, Switzerland, Geneva, &c. gave their judgment against the pretensions of the Independents to the full rights of conscience; asserted that episcopacy itself, though the vestments and apparel of the great whore, was better to be suffered than to bring in such a horrible confusion as was veiled under the name of Independency; and alledged, that the example of the tyrannical synod of Dort was a famous monument of the blessings God poured out upon general assemblies. It is to be observed, that the same judgment acknowledges there are many things established in the government of the church which are not to be found in the word of God. In a national assembly of the reformed churches of France, in the year 1644, the Independents were stigmatized as a sect prejudicial

not to be productive of high contest and animosity. Ann. 1646.

Whilst the Presbyterians exclaimed that toleration was but an indulgence for foul-murder, maintained the eternal obligation of their covenant to extirpate heresy and schism, menaced all their opponents with the same rigid persecution which they had themselves suffered, and of which they had so loudly complained *, the Independents, from the authority of the gospel and the dictates of reason, argued, That every man had a right to direct his religious conscience, and interpret the scriptures, according to his own lights and apprehensions; that the doctrine of intolérance would equally justify all religious persecutions, Pagans against Christians, Papists against Protestants, with that which had been so lately endured from the power of the episcopacy †; and that the Presbyterians, by

cial to the church of God; and the different provinces were enjoined to beware, that the evil did not take foot in the churches of that kingdom; “ In the end, said the act, that peace and uniformity, as well in religion as in discipline, may be inviolably preserved, and that nothing may be brought in amongst us which may alter in any kind the service due unto their majesties.” *Extract of the Acts of the National Synod of France, assembled by the King's commission at Charentoun, December 16, 1644. Letters written by foreign ministers to Buchanan, a Scot.*

* That four Presbyterian Prynne, who, by consequences deduced from the same principles of doctrine, had suffered so severely under the power of prelacy, asserted, in a publication styled “ *Independency examined, unmasked, &c.*” That the civil government had a lawful power to suppress, restrain, imprison, confine, banish, excommunicate, and even inflict death itself on the broachers of heresies, schisms, erroneous doctrines, enthusiasms, or setters-up of new forms of ecclesiastical government. *Prynne's Independency examined, unmasked, &c.*

† One of the prints published at this time represented a pope, a prelate, and a presbyter, seated together upon a bench, with this motto over them, “ *Tria juncta in uno.*”

preaching

Ann. 1646. preaching up the doctrine of obedience in spiritual matters to established powers, passed a self-condemnation on their own opposition to former tyrannies. The whole Scotch nation, from an entire parity of opinion, united themselves to the English Presbyterians * ; whilst every differing sect classed with the Independents, who, by a natural connection between civil and religious policy, were joined by the whole body of the republicans.

So long as the Presbyterians had a large majority in the parliament, all those who publicly vented contrary doctrines suffered under the lash of their power † ;

* It was urged in a remonstrance of the Scots to the parliament of England, That it would be the sin and shame of the church of England, and the sorrow of all the reformed churches, and in particular of the church of Scotland, if liberty of conscience, which was pleaded for, should take place. It is to be observed of the Scotch church, That when they were themselves struggling against the King's tyranny in endeavoring to force episcopacy upon them, they passed an act against the toleration of dissenters from Presbyterian doctrine and discipline ; and thus committed the same violence on the consciences of their brethren, which they so justly opposed in the King. *Guthrie's Memoirs*, p. 69, & seq.

† Publications contrary to the Presbyterian doctrine were burnt by order of parliament. It was ordered in the lower house, That an ordinance should be brought in to punish with death one Paul Best, who denied the trinity of the Godhead, the deity of Christ, and the Holy Ghost. One Baldwyn, for preaching and avowing anabaptistical tenets, was sent a prisoner to the Gate-house, with a strict charge that he should not be suffered to preach, nor any company to resort to him. One Webb was complained of to the upper house by the assembly of divines, for having broached deistical doctrines, and that the soul of man was mortal : Webb was sent for to answer the charge ; but as there is no mention made of any punishment which was ordered him, he was most likely saved by the growing power of the
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but as perfecution always ferves for the increafe of that which it endeavors to fupprefs, fects and opinions daily multiplied *, and repeated petitions were poured into the parliament, from the Prefbyterian minifters and the affembly of divines, for the haftening the Directory, for the taking an effectual courfe to prevent the growth of fchifm, and for the keeping back ignorant and fcandalous perfons from the facrament of the Lord's Supper. Immediately before the treaty of Uxbridge, came forth the impatiently-expected Directory ; and the parliament (whose committees of religion had hitherto affumed the whole ecclefiaftical jurifdiction) now publifhed an ordinance, by which they eftablifhed the Prefbyterian government in all its forms of congregational, claffical, provincial, and national affemblies †. Material as

Ann. 1646.
Parl. Hift.
vol. XIII.
p. 420, & feq..

Independents. *Whitlock*, p. 196. *Parl. Hift.* vol. XIII. p. 125, 342, vol. XIV. p. 23, & feq.

* In a petition of the lord-mayor, aldermen, and common-council of London to the parliament, for the fuppreffing all private meetings on the Lord's day, it was declared, There were no lefs than eleven in one parifh ; that there were instances of women preachers in thefe meetings, and of new and ftrange doctrines vented in them ; whereby the godly orthodox minifters were neglected and contemned, as if they were antichriftian, and acted under the tyranny of prelatical government. *Parl. Hift.* vol. XIV. p. 208.

† The minifters of parifhes and ruling elders, chosen by their inhabitants, governed the fpiritual concerns of the feveral congregations. A claffis was formed by a number of neighboring parifhes, and thefe divifions were governed by the minifters of the refpective parifhes and ruling elders, chosen from the eldership of each parifh. A provincial affembly was compofed of two minifters and four ruling elders, fent from each neighboring claffis, and retained an infpection over feveral claffes. The national affembly was compofed of two minifters and four ruling elders from each province : its authority extended over the whole kingdom ; but it was only to meet when fummoned by parliament,

Ann. 1646. was the gaining this point, it was far from satisfying the zeal of this bigotted sect, who made loud complaints on the conduct of parliament, for denying them satisfaction on the following points.

THE assembly of divines had voted Presbytery to be of divine right; but the Independents (assisted by Selden, Whitlock, and other able reasoners) had so far prevailed, that the parliament refused their assent to the decision: Excommunication, a power assumed by priests of all religions, was limited by an ordinance, which determined the cases in which it could be used*; appeals to the legislature from all ecclesiastical courts were allowed; provincial commissioners were appointed by the parliament to judge of such cases as fell not within their ordinance; and as the time of the meeting of the national assembly was left to the authority of parliament, nor liberty given in the particular of sitting, the whole authority of the church became subordinate to the power of this assembly. Such an encroachment, as it was termed, on the spiritual jurisdiction of the clergy, gave universal offence†. The assembly of divines sent up a

ment, and to sit no longer than the parliament should order. *The Parliament's Directions for the Election of Elders, August 19, 1645.*

* The following condition was part of the qualification insisted on for admittance to the sacrament of the Lord's Supper: That the receiver was to know that there was but one living and true God; that this God was but one, and yet three distinct persons, the Father, Son, and Holy Ghost, all equally God. *Parl. Hist.* vol. XIII. p. 464.

† The Scots exclaimed, That there was no warrant nor pretence for such a mixture in church-government from Jesus Christ, who had appointed his own spiritual officers, to whom he had committed the
keys

petition on the subject to the Commons; but the Commons were so far from giving them satisfaction, that they voted their petition a breach of privilege; and then published a narrative, in which was laid down as a principle, That that assembly had no right to judge or vote on any point, either as to the doctrine, worship, or government of the church, but as they were authorised by parliament; and that they were to receive for law the determinations of the two houses *. Several unanswerable queries were also drawn up by the Commons, and put to the assembly of divines, concerning gospel authority for the *jus divinum* of church-government †.

keys of the kingdom of heaven, and to whom, the reformed churches conceived, the judging of offences and the qualification of communicants did as properly and incommunicably belong, as the public preaching of the word and administration of the sacraments. The Presbyterians, with the Papists, asserted, That the civil magistrate had no power over the church; but that he was bound by his civil power to compel all refractory persons to obey the church, and to banish and exile all sects, schisms, and heresies. The very same arguments as were used by the Papists in justification of their merciless persecution of the reformed churches, the very same arguments as the King and his hierarchy had used for the persecution of the Presbyterians, did these once-dissenters now urge, for the establishment of their tyranny over the consciences of their fellow-citizens and brethren in Christ. *Parl. Hist.* vol. XIV. p. 340.

* The parliament had from the beginning retained so jealous an authority over the assembly of divines, that they allowed them no privilege but the liberty of giving advice on matters not determined by parliament; nor would entrust them with the power of electing their own chairman or his substitute, nor supply the vacancies of their own members. *Hume's History of the Stuarts, quarto edition*, vol. I. p. 416.

† The assembly of divines had the modesty to be silent on the subject; but the queries were attempted to be answered in private

Ann. 1646.

THIS complete triumph gained by the Independents over the Presbyterians gave a general alarm to the party. The petition from the assembly of divines was followed by a remonstrance from the Scots commissioners; and this again abetted by a petition from the lord-mayor, aldermen, and common-council of the city of London, who were all of the Presbyterian faction, for the suppression of Independency, for a good correspondence with the Scots, and for the fulfilling the covenant in the preservation of the rights and privileges of parliament, the King's person and authority, and the defence of the true religion and liberties of the kingdom. The petitioners received the thanks of the Lords for their fidelity and constant services, for their care that the true Protestant religion should be settled according to the covenant, for their zeal against heresy and schism, and their desires for a good correspondence with the Scots, of whose services and sufferings, the Lords said, they should not only hold a grateful memory, but upon all occasions give a retaliation. The following peers, Northumberland, Pembroke, Grey, Denbigh, Say and Seal, Howard, Montague, Wharton, Kent, and Salisbury, protested against this answer; and in the lower house the following cold reply, That the petition should be taken into consideration, was

publications by some of the zealots of the party, who grounded the *jus divinum* of Presbyterian government on the same texts of scripture used by Popish writers for the *jus divinum* of papal tyranny. *Answer to those Questions propounded by the Parliament, &c. London, 1646.*—The Presbyterians were at this time powerful enough to obtain licence for the publication of this tract.

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not obtained by the Presbyterian party without great opposition, the numbers against the previous question being 113 to 148, and against the main question 151 to 108 *.

Ann. 1646.
Journals of
Commons,
May 26.

No sooner did the news of the King's flight reach the capital than the parliament published a declaration, That what individual soever who should harbor or conceal, or know of the harboring or concealing his person, and should not reveal it immediately to the speakers of both houses, should be proceeded against as a traitor to the commonwealth, and die without mercy †. On the intelligence that he had taken refuge in the Scotch camp, the Independents proposed, That Fairfax should march northward, to demand, at the head of his troops, the person of the King; a motion which so alarmed the Scots, that

* Previous to the presenting these petitions and the remonstrance of the Scots, the Commons published a proclamation, in which they declared, They would not put the power over the church out of the hands of the civil magistrate; that upon a peace being settled, they would restore justice to its ancient channel; and that though they had a great regard for the covenant, yet they were to interpret it in their own sense, without the assistance of Scotch commentators. The city's petition was represented, in a very sensible publication, styled, "A moderate Reply to the City Remonstrance," as speaking the language of malignants, who in their prisons began to triumph; and prophesied, from this conduct of the city, the fall of the parliament and the round-heads, and the exaltation of the cavaliers. *Parl. Hist.* vol. XIV. p. 347, & seq. *Guthrie*, vol. III. p. 1161. *A moderate Reply to the City Remonstrance*, London, 1646.

† At the same time the parliament passed an ordinance, for the removal of Papists and cavaliers from the neighborhood of London. *Rushworth*, vol. VI. p. 268.

Ann. 1646. they prevailed with his majesty to give orders for the surrendering the town of Newark into the hands of the parliament's commissioners, retreated with their royal prey to the town of Newcastle, disclaimed all manner of previous treaty with the King which could encourage him to put himself into their hands, and promised to take the advice of the English parliament in all their measures. The suspicious conduct of the Scots had raised too great a jealousy to be allayed by such ceremonials: Letters which passed between the commissioners of the Scots in London and in their army were opened by the captain of the parliament's guard; and though this breach of former respect was not done by the particular orders of either house, yet it was so far justified by the Commons, that the officer, whom the Lords (on the complaint of the Scotch commissioners) had committed to the Fleet, was discharged by their authority, without payment of fees; and a vote passed both houses, That the kingdom had no farther occasion to continue the Scotch army within the realm of England.

Dispute concerning the right of disposing of the King's person, between the parliament and the Scots.

THE stating the accounts between the parliament and the Scots, and the right of disposal of the King's person, gave rise to disputes which filled the royal party with the most flattering expectations; but the issue proved, that the Scots were at this time too wise to fight the battle of their enemies, and that they had seduced the King into their hands, not to re-submit themselves to the lash of royal prerogative, but to secure the payment of large arrears due on the sum which the parliament, by the treaty between the two
king-

kingdoms, had stipulated to pay them. So extravagant were the King's expectations, on the grounds of the paper sent him by the French agent Montreville, that instructions were given to the marquis of Ormond, to certify to all his majesty's subjects in the kingdom of Ireland, That the Scotch army in the service of the English parliament were to join the forces under the marquis of Montrose, and the cavalier party in England to constrain the parliament to an honorable peace *: But, to his great disappointment, instead of meeting with a guard, as he had been made to expect, to conduct him in a pompous manner to the Scotch camp, the Scotch generals and commissioners affected surprise at what they termed his unexpected appearance; a guard was ordered, not only to protect but to secure his person; petitions were daily presented him, to give full satisfaction to his Scotch and English subjects; Montreville, the active French agent, was restrained from any conference with him; and all those who had taken up arms against the parliament were denied access to his presence †. The design of any kind of combination with the royal party was peremptorily denied by the Scots; and the King now found it necessary to make a different

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Clar. Hist.
vol. III.
p. 18, & seq.
Parl. Hist.
vol. XIV.
p. 405.

* The marquis of Ormond sent a copy of these instructions to Monroe, the commander of the Scotch troops in Ireland: They were communicated by Monroe to the commissioners of parliament in Ulster, and by them sent over to the two houses at Westminster. *Rushworth*, vol. VI. p. 272.

† Ashburnham, the King's servant, fled to France; and Dr. Hudson, in endeavoring to escape, was taken and delivered up to the parliament. *Ludlow's Memoirs*, p. 68.

kind

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kind of application to the English parliament, than what he had intimated in his instructions to the marquis of Ormond. On the eighteenth of May he sent a message to the two houses, in which he assured them, That his withdrawing to the Scotch camp was only to secure his own person, and with no intention to continue the war longer, or make any division between his two kingdoms *; recommended the speedy settling religion, and the taking, to that end, the advice of the assembly of divines; offered that the two houses should, during the space of seven years, name all the commissioners for the militia; and that, after the expiration of that term, it should be regulated by the crown and both houses of parliament: the like was offered for the kingdom of Scotland: and concerning the wars in Ireland, his majesty would do whatsoever was possible to give satisfaction therein †.

The King surrenders his garrisons into the hands of the parliament.

No notice being taken of this message, on the tenth of June it was followed by another; in which the King expressed an earnest desire that the propositions of peace might be speedily sent unto him; and at

* After the date of this message, when the King's instructions to the marquis of Ormond came before the parliament, on the question being put, "Whether it appeared by the King's letter to the said marquis, that he went into the Scotch army with a design to create division between the two kingdoms of England and Scotland, and to continue the war against the English parliament," it passed in the affirmative. *Parl. Hist.* vol. XIV. p. 444, & seq.

† At the same time the King sent the parliament this message, he sent another to the lieutenant of Ireland, to obey none of his public orders in regard to that kingdom. *Carte's State Letters.*

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the same time enclosed an order for the surrendering Ann. 1646. those garrisons which yet stood out against the arms of the parliament. The terms granted to these towns, castles, and forts, were more favorable than could have been expected from the conduct of the adverse party *; and even those garrisons, who, obstinately rejecting the King's order as obtained on the condition of restraint, suffered themselves to be reduced to the utmost extremities, were treated with humanity. And thus calmly, through the mercy of the victor, finished a civil war, which, by the vanquished party, had been carried on for the space of four years, with great animosity and cruelty.

THE great-seal having, by the surrender of Oxford, fallen into the hands of the parliament, it was publicly broken by their order †; and now, by the seeming compliant disposition of the King and the Scotch commissioners (who had at length agreed that the propositions of peace should be sent to his majesty, in the manner the English parliament had determined and insisted on ‡) the face of affairs began to

* Contrary to the constant custom which the royalists had used in their successes, the articles on which these towns and garrisons were surrendered were observed by the army under Fairfax with the exactest punctuality. *Whitlock. Rushworth.*

† With the great-seal were broken the seal for the Court of Wards, the Exchequer seal, and the seal for the King's-Bench.

‡ This assent of the Scotch commissioners to the sending the propositions of peace was with proviso, That it should be understood their concurrence should be without prejudice to any agreement or treaty between the kingdoms, and should not infringe any engagement made to the kingdom of Scotland, nor be any hindrance to their insisting
upon

Ann. 1646.

The parliament sends conditions to the King.

wear an hopeful prospect of returning tranquillity. Prosperous as was the present condition of the parliament, the terms they offered to the King differed not very materially from those which had been before tendered at the treaty of Uxbridge: they were digested into nineteen propositions, and sent down to Newcastle by the earls of Pembroke and Suffolk, Sir Walter Erle, Sir John Hippeley, Mr. Goodwin, and Mr. Robinson *. To do the Scots justice, they were

upon the other propositions which they had already made known to the house. The material objection which the Scots made to the parliament's propositions, and the objection to which this proviso has reference, was, that in the thirteenth proposition it was demanded of the King, That the two houses at Westminster should have the command of all the forces in England and Ireland, contrary, they said, to the treaty between the two nations, concluded at Edinburgh in the year 1643, by which not only the Scotch army in Ireland, but the British troops, were to be commanded by the officer who was to have the chief command of the Scotch forces. The parliament of England, who, at the time when this treaty was made, trusted the Scots with this extraordinary privilege to take it out of the hands of the King's creatures, disowned it to be a formal treaty, or other than a temporary concession of their committee. The Scots having privately printed the papers they had given in to the parliament against the propositions, with a severe preface, they were ordered to be burnt by the hands of the hangman. *Parl. Hist.* vol. XIV. p. 320, 373, & seq.

* The substance of the nineteen propositions sent to the King.

To take away all oaths and proclamations against the parliament and their actions: To sign the covenant, and an act for the general taking it: To pass an act to abolish bishops, &c. To confirm the assembly: That religion be settled as both houses should agree: Unity and uniformity of religion to be confirmed by an act: An act against Jesuits, Papists, &c. An act for educating the children of Papists in the Protestant religion: For penalties against Papists: Against saying of mass: The like for Scotland, as that kingdom shall think fit: For the due observance of the Lord's day: Against pluralities, non-residents,

indefatigable in their endeavors to bring the King to such a sense of his situation as should incline him to give the parliament full satisfaction; but the Independents, who feared nothing so much as a conjunction of their two mortal enemies, the cavalier and Presbyterian parties, had found means to flatter the fond inclinations, and work so strongly upon the insincerity and ill faith of the King, that, to the extreme disappointment and vexation of the Scots, he could not be persuaded to give other answer to the parliament's propositions, than that he would

*The King
refuses the
parliament's
propositions.*

dents, and regulating the universities, on the same act: The power of the militia to be in the parliament for twenty years: The like for the kingdom of Scotland, with power to raise money, and to use the militia according to the exigence of circumstances: The privileges of the city of London, as to their militia, to be confirmed: All honors and titles, since the great-seal was carried from the parliament, to be void; and no peers to be created but by consent of the two houses of parliament: To confirm the treaty between England and Scotland, and conservators of the peace to be appointed: To establish the declaration of both kingdoms, June 30, 1643, with the different qualifications of punishment, both English and Scots: To make void the cessation in Ireland; the war there to be left to the parliament; the same religion to be settled in Ireland as in England: The militia and Tower of London to be in the government of the city; their charters to be confirmed; and all bye-laws made by the corporation to carry the same authority as if enacted by parliament: All grants and processes under the parliament's great-seal to be confirmed, and all by any other great-seal to be void: The same with regard to the kingdom of Ireland: All honors granted since the cessation in Ireland to be void; and the chief magistrates and officers of state in that kingdom to be nominated by the two houses of the parliament of England: That the parliament of Scotland shall have the privilege of nominating the chief magistrates and the officers of state in Scotland.

Ann. 1645.

never condescend to what was absolutely destructive to that just power, which, by the laws of God and the land, he was born to; and a demand to be suffered to come with freedom, honor, and safety, to some of his houses near London, to treat with his parliament *.

SEVERELY as this unhappy prince had suffered by a contrary conduct, he had not yet adopted the just maxim, "That honesty and sincerity are the best policy." The continual victim to his own duplicity, his counsels fluctuated with every flattering appearance which accident or the interest of faction presented: at one time, big with the expectation of foreign assistance, he talked in a high strain to all parties; at another, meditating an escape, in which he was disappointed by the negligence or treachery

* Burnet, in his *Memoirs of the Hamiltons*, relates, That when in the lower house thanks were voted to the commissioners who had been with the King, a member, of the Independent party, said, They owed more thanks to the King than to any body: That a Presbyterian member exclaiming, "What will become of us, since the King refuses the propositions?" he was answered by an Independent, "Nay, what would have become of us if he had granted them?" The same author informs us, That when the King's answer to the parliament's propositions was presented to the upper house, those members who were the best affected to him hung down their heads; that the answer was sent down to the Commons without a word from the Peers; that there it met with the same entertainment; and that in the debate which ensued, the mildest opinion was, That the King should be kept a prisoner; some proposed the excluding him for ever from the government; and that it was thought a great point to carry the preservation of his person, according to the covenant. *Burnet's Memoirs of the Hamiltons*, p. 283, & seq. 309.

of

of his own servants, he appeared indifferent to all propositions : now dispirited with disappointment, he endeavored to compound with the Scots for a toleration of episcopacy, and to join heartily with the Presbyterians in the persecution of all other sects and opinions ; then, cajoled by the Independents, he retracted all his concessions in favor of Presbytery. It was the flattering assurances these mortal enemies to his power and government had at this time given him, which made him deaf to the unanswerable arguments the Scotch commissioners and officers, and particularly the earl of Loudon, urged for his absolute compliance with the demands of the parliament *. “ The parliament, said this nobleman, are possessed of your majesty’s navy, and of all the forts, garrisons, and strong holds in the kingdom ; they are now in such a posture for strength and power, as to be enabled to do what they will, both in church and state ; whilst some are so afraid, others so unwilling, to submit themselves to your majesty’s government, that they desire not you nor any of your race longer to reign over them ; yet the people are so attached to monarchy, that such as are weary of your majesty’s government, dare not attempt to cast it off, till once they send propositions of peace to your majesty, lest the people should fall from them : and therefore the houses of parliament

Ann. 1646.
Parl. Hist.
vol. XV.
p. 264.
Burnet’s Me-
moirs of the
Hamiltons,
p. 307.

Bamfield’s
Apology.

* The earl of Lauderdale, in letters from London, warned the King, That the designs of the Independents were the ruin of monarchy, and the destruction of his person and posterity ; that they only meant to divide him from his parliament, to ruin him more effectually. *Burnet’s Memoirs of the Hamiltons*, p. 288, & seq.

Ann. 1646. have resolved upon the propositions which are tendered to your majesty, as that without which the kingdom and your people cannot be in safety; and most part of the people think there cannot be a safe peace on any other terms. Now, Sir, if your majesty (which God forbid) shall refuse to assent to the propositions, you will lose all your friends, and both kingdoms will be constrained, for their mutual safety, to agree and settle religion and peace without you; which, to our unspeakable grief, will ruin your majesty and your posterity; and if your majesty reject our faithful advice, who desire nothing on earth more than the establishment of your majesty's throne, and lose England by your wilfulness, your majesty will not be permitted to come and ruin Scotland. Sir, we have lain our hands upon our hearts, we have asked counsel and directions from God, and have had our most serious thoughts about the remedy; but can find no other (as affairs stand for the present) to save your crown and kingdoms, than your majesty's assenting to the propositions. We dare not say but they are higher in some things, if it were in our power and option to remedy it, than we do approve of; but when we see no other means for curing the distempers of the kingdom, and closing the breach between your majesty and your parliaments, our most humble and faithful advice is, That your majesty would be graciously pleased to assent to them, as the best way to procure a happy and safe peace; because your majesty shall thereby have many great advantages: you will be received again in your parliament, with the applause and acclamations of
your

your people; by your royal prefence your friends Ann. 1646. will be strengthened; your enemies (who fear nothing so much as the granting the propositions) will be weakened; your majesty will have a fit opportunity to offer such propositions as you shall in your wisdom judge fit for the crown and kingdom; all armies will be disbanded; and your people finding the sweet fruits of your peaceable government, your majesty will gain their hearts and affections: this will be your strength and glory, and will recover all your majesty hath lost in this time of tempest. And if it please God so to incline your royal heart to this advice of your humble and faithful servants, who, next to the honor of God, esteem nothing more precious than the safety of your person and crown, our actions shall quickly make it appear to all the world, that we esteem no hazard too great for your majesty's safety; and that we are willing to sacrifice our lives and fortunes for establishing your throne. And now, Sir, we prostrate ourselves at your majesty's feet, and in the lowest posture of humility do beg that your majesty may in the end grant the suit of your most faithful servants, who have no private aims, but only the glory of God and the safety of your majesty's person, posterity, and crown, before our eyes. The granting our desires will revive our fainting spirits, refresh our sad hearts, which are overwhelmed and like to break with sorrow, and will turn the prayers and tears of many thousands of your people in praises to God, and make them embrace your majesty with acclamations of joy *."

* Lord Clarendon terms this earnest exhortation and friendly advice "a rude and unmannerly importunity." *Clar. Hist.* vol. III. p. 28.

Ann. 1646.
Farther disputes between
the parliament and the
Scots.

THE disputes between the two kingdoms, which had arisen on the King's taking refuge in the Scotch camp, was not yet determined, neither side having openly yielded their several claims. The English parliament maintained, That the King, being in England, was comprehended within the jurisdiction of that kingdom, and could not be disposed of by a foreign nation *. The Scots, though they protested

* In this dispute it was asserted by the English and allowed by the Scots, That the person of the King was to be disposed of by the judgment of parliament. Mr. Challoner, a member of the Commons' house, in a very judicious and logical discourse, shewed the plain distinction between the office and person of the King: "We shall acknowledge, said he, that the king of Scotland being taken *in abstracto*, we have nothing to do with him; he is solely and totally theirs. God forbid that a king of Scotland going out of his kingdom should either make Scotland cease to be a kingdom, or give any participation of interest to that country where he doth reside. Let his person reside in the farthest part of the earth, yet the royal office and capacity of the King resideth still in Scotland: they have his sword to do justice by, his sceptre to shew mercy by, his seal to confirm what they please by, and his laws to govern by. In this sense it is only meant, that the King is never under years, never dies, cannot be deceived, can neither do wrong or take wrong of any body; and in this sense we fight for King and parliament, though the person of the King be in opposition to both. They say, continued Mr. Challoner, that by virtue of the covenant they are obliged to defend the King's person and authority: what his authority is in Scotland themselves best know; but you are only to judge of it in England, since, being not subordinate to any power on earth, there is no power under Heaven can judge you. The covenant ties you to maintain, in the first place, the rights of parliament and the liberties of the kingdom; and in the second place the King's person and authority, and that only in defence of the former, and not otherwise. And whereas they expect the King should be received by you with honor, safety, and freedom, I beseech you, Sir, consider whether, as the case now stands, his reception with honor can stand with the honor of the kingdom; whether his safety be not in-

against giving Charles refuge in Scotland, as a measure destructive to the peace of the country *, yet, as he was king of Scotland, they pretended to an equal vote with the English parliament in the disposal of his person in England. Such an absurd pretension could only be advanced to keep the King as a pledge for arrears they claimed from England, and which, in the present disposition of the country towards them, they were not likely to obtain by any other expedient †.

incompatible with the safety of the commonwealth; and whether his freedom be not inconsistent with the freedom of the people. I pray, Sir, take heed lest that bringing him in with honor you do not dishonor yourself, and question the very justice of all your actions; be wary that in receiving him with safety you do not thereby endanger and hazard the commonwealth; be advised lest in bringing him home with freedom you do not thereby lead the people of England into thralldom. I pray, Sir, first settle the honor, safety, and freedom of the King, so far as the latter may stand with the former, and not otherwise." *Parl. Hist.* vol. XV. p. 143, & seq.

* " Since the beginning of the world, said Mr. Challoner in the Commons' house, there was never before such a contention about the person of a king. The Greeks and Trojans did contend for a long time in fight about the dead body of Patroclus, which of them should have it; but here is not a contention about the dead body of a private man, but about the living body of a king: neither do we contend as they did, who should have his person, but here you do contend, as far as I conceive, who shall not have it. Your brethren of Scotland say positively they will not have the King's person upon any conditions whatsoever. It is now about six months past that you voted in this house the demanding of the King's person, but the Lords then refused to join with you. Ever since, until this present, you yourself did acquiesce, as if you had repented of your former vote. Now he must be put upon you, and with such terms as his present guardians please to allow of." *Rushworth*, vol. VI. p. 339.

† It appears evident, that the Scots had enticed the King into their army with the intention of availing themselves of that circumstance to
secure

Ann. 1646.

They were so extravagant in their demands as to bring in the English their debtors for the enormous sum of two millions ; but, after much altercation, it was at length agreed, That they should accept of four hundred thousand pounds in lieu of all demands, half to be paid in present, and half within the twelvemonth *.

Resolution of
the Scotch
parliament to
deliver up the
King.

THOUGH it was apparent that the English never would have parted with so considerable a sum with-

secure the payment of their arrears ; and that though they did not expressly bind themselves by any formal covenant, yet that they gave him general assurances of support and assistance. Clarendon says, That in proportion as Montreville grew diffident of their performances, they kept up his hopes by promises and protestations ; that though they would not agree to the King's proposal to unite their forces to his friends in Scotland, under the command of the marquis of Montrose, with reference only to the person of that nobleman, yet they assented to the King's employing him as his ambassador-extraordinary to any other place but France ; and, according to bishop Guthrie, the lord Balmerino, on his arrival from London to Edinburgh, reported to the committees of state and church, That the matter had been handled with such skill and success, that he was confident the next advertisement would give an account of his majesty's being with the Scotch army. *Clar. Hist.* vol. III. p. 14, & seq. *Guthrie's Memoirs*, p. 175.

* One hundred thousand pounds was the sum which the Commons at first voted for immediate payment, and another hundred thousand pounds for after payment ; but on the repeated refusal of the Scots to accept it in lieu of their demands, the Presbyterian party in parliament, with great difficulty, carried first the addition of one hundred thousand, and then of the second hundred thousand pounds. The Scots demanded security on the bishops lands for the payment of the two hundred thousand pounds in arrears, but the parliament refused to give other security than the public faith. *Parl. Hist.* vol. XV. p. 64, 76, 88, 216, & seq.

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out they had been previously assured that the Scots Ann. 1646. would deliver up the King, yet this people pretended, and their friends the English Presbyterians complied with their delicacy, to make the estimation and payment of arrears appear a quite different transaction from that for the delivery of the King's person. The Scotch parliament once voted, That the King should be protected, and his liberty insisted on; but on the news arriving at Edinburgh that the English had consented to pay down so large a sum as two hundred thousand pounds, the former resolution was retracted, and the parliament resolved, That his majesty should be desired to grant the whole propositions, and, in case of refusal, the certifications given to his majesty should be put in execution; viz. to secure the kingdom without him; to declare that the kingdom of Scotland could not lawfully engage themselves for his majesty, he not taking the covenant, satisfying as to religion, &c. &c. and that they would not admit him to come to Scotland unless he gave a satisfactory answer to the whole propositions lately presented to him in the name of both kingdoms *. When the intelligence of the final resolution of the Scotch nation to deliver him up was brought to the King, he dispatched another message to both houses at Westminster, repeating his desire to come to London, or

Guthrie's
Memoirs.

* The day after the resolution in favor of the King had passed the Scotch parliament, the general assembly sent in a paper, termed, "A Seasonable Warning to all Estates and Degrees of Persons throughout the Land;" in which the forsaking the covenant, and taking any step towards a breach with England, was represented as a heinous crime. *Rushworth*, vol. VI. p. 391.

Ann. 1646. any of his houses in the neighborhood of the capital, upon the public faith and security of parliament and the Scotch commissioners that he should be there with honor, freedom, and safety, in order, he said, to the clearing up his doubts *. On this message, after some altercation between the Lords and Commons, whether the place of his majesty's residence should be Newmarket in Cambridgeshire or Holdenby in Northamptonshire, it was resolved, according to the sense of the Commons, in favor of the latter †.

THE debates which had hitherto subsisted between the Scotch commissioners and the two houses at West-

* At the very time the King was making this application to the house, a plot was discovered which he had formed for the escape of the duke of York, whom his majesty had designed to send to Ireland, but who had fallen into the hands of the parliament on the surrender of Oxford. *Whitlock*, p. 235. *State Letters by Carte*.

† On the first intelligence of the King's having taken refuge among the Scots, the Commons passed one vote, That the person of the King should be disposed of to such place within the kingdom as the parliament should appoint; and another, That Warwick-Castle should be the place appointed. High words had arisen between the two houses, on the Lords refusing their concurrence to this vote: Sir John Evelyn, one of the managers for the Commons, intimated to the Lords in a conference, That if their lordships did not agree with the house of Commons, that house would put their votes in execution without their concurrence. The Lords complained that this was contrary to their privileges, and a kind of threat to exclude their order out of the legislature. The Commons justified their member by vote, and told the Lords, That though his words had imported the sense which their lordships had put upon them, yet that they (the Commons) could not decline to do their parts in cases of necessity which concerned the general good of the kingdom. This is not the first precedent noticed in this History of the same kind of spirit shewn by the Commons. *Journals of Commons*, May 13, 16. *Parl. Hist.* vol. XIV. p. 385, & seq.

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minster, concerning the disposal of the King's person, Ann. 1646, were entirely put an end to by the arrival of the resolutions of the Scotch parliament; and nothing now remained to be settled between the two nations but the adjusting the payment of the first moiety of the four hundred thousand pounds which the Scots had agreed to accept, and the evacuation of the English garrisons now in the hands of the Scots. Hostages were given on both sides for the fulfilling these several purposes; and a committee (consisting of the earls of Pembroke and Denbigh, the lord Montague, Sir John Cooke, Sir Walter Erle, Sir John Holland, Sir James Harrington, Mr. Crew, and major-general Brown) was appointed to receive the King from the Scots, with instructions to keep him close prisoner, and to send to the general Fairfax for what forces were necessary for that purpose. At Newcastle, on the thirtieth of January, 1646-7, the parliament's commissioners received the King from the Scots, and conducted him with a strong guard to Holdenby; and on the same day, to the inexpressible satisfaction of the northern counties, who had long, from the free-quartering of the Scotch army, endured the utmost oppression and vexation, these auxiliaries set forward on their return to their own country.

The King delivered into the hands of the parliament's commissioners.

At the latter end of the summer 1646, whilst the King remained in the Scotch army at Newcastle, died the parliament's discarded general, Robert Devereux, earl of Essex. By the republicans, to whose views and intentions he was a determined enemy, his death was regarded as an auspicious omen: by the royalists, whose cause, when in the meridian of his power and

Death and character of the earl of Essex.

Wood's Athenæ Oxoniensis. Biographia Britannica.

Ann. 1646.

popularity, he never heartily hated, and whose cause, on the disgusts he had received from the prevalent faction, he began to love *, his death was regretted as a particular and important loss † : whilst by the Presbyterians, the nobility, and the greater part of the gentry, it was lamented as a decisive stroke of adverse fortune. To possess the spoils of an enemy, to seat themselves on the throne of tyranny, without any design to reform the oppressive principles of the constitution, was the only end for which this faction had entered into hostilities with the King ; an end which might have been completely obtained, had the war been brought to a conclusion within the first three years of its period : but this event, which would have put all things in the power of the faction, was postponed by the crafty yet mistaken policy of those whom they had entrusted with the mi-

* After the vote for new-modelling the army had passed both houses, we find the name of Essex in all the protests against popular resolutions. *Parl. Hist.*

† “ The Presbyterian party, says Clarendon, finding themselves superior in the two houses, would without doubt have attempted to new-model the army, if it had not pleased God to have taken away the earl of Essex, who died in a time when he might have been able to have undone much of the mischief he had formerly wrought, to which he had great inclinations ; and had indignation enough for the indignities himself had received from the ungrateful parliament, and wonderful apprehension and detestation of the ruin he saw likely to befall both King and kingdom ; and it is very probable, considering the present temper of the city at that time, and of the two houses, he might, if he had lived, have given some check to the fury which prevailed. But, continues this superstitious writer, God would not suffer a man, who, out of the pride and vanity of his nature, rather than the wickedness of his heart, had been made an instrument of so much mischief, to have any share in so glorious a work.” *Clar. Hist.* vol. III. p. 32, & seq.

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litary command. In the foremost rank of these was Ann. 1646. the earl of Essex, who, to avoid an entire conquest over the King, had well nigh ruined the cause of Liberty and the commonwealth, had made a trade of war, and sported with the blood of his countrymen, till the lingering contention gave power and numbers to a party, whose views of reformation were as opposite to the interests and designs of the Presbyterians, as was the established power of the monarchy and the prelacy.

THE opportunities with which Essex was favored, had his dull ambition been quickened by spirit and tempered with judgment, had raised him to the highest pinnacle of his most aspiring wishes: In his person had concentrated the reputation of Fairfax and the influence of Cromwell; in his power it would have been to have preserved at least the forms of monarchy with the privileges of the nobility, and to have established Presbytery. These were the purposes of the faction, and to these ends both the senate and the army would have concurred, had the King been reduced low enough to accept the conditions; but the mean jealousy which Essex had entertained of the popular interest, a too-anxious care of preserving his importance and the importance of his order, occasioned the loss of both; and the parliament, at the end of a four years continued war, after having thrown away repeated opportunities of conquest, after having more than once found themselves on the brink of destruction, after having in vain lavished away the almost-exhausted treasure of their partizans, were

Ann. 1646. were rather in a situation to receive than to impose conditions. The King was in possession of the greater part of the garrisons of the kingdom, and, according to his own opinion, stood a fair chance for complete victory. It was now no longer the season for dallying: the principle of safety was superior to other considerations; the passion of fear for some time got the better of bigotry and the love of power; and the new-modelling the army was a measure of necessity, to which all parties readily submitted. The superiority the republicans gained by the alteration is already apparent; whilst the earl of Essex, instead of reaping the glory of putting an end to the war to the satisfaction of that party by whom he was entrusted with the supreme command, was totally discarded from the service of the public, and constrained to give place to the rising fortunes of a more active rival.

It is observed by his cotemporary the earl of Clarendon, That Essex was rather driven into opposition by the repeated ill usage he had received from the court *, than by any particular affection for the free-

* James had shewn himself a warm partizan against Essex in a domestic concern of the most tender and delicate nature; and on finding his name among the list of petitioners against Irish peerages, expressed against him a particular and petulant resentment. "Into the royal presence (says Wilson, his domestic servant) the earl of Essex came but seldom, perceiving that he was not very agreeable to the King; which was attributed to the roughness of his deportment, and his affecting the manner and garb of a soldier." By all accounts, Essex met with the same discouraging treatment from the son as he had received from the father: Sir Philip Warwick says, That he was a
man

dom of the constitution; and this opinion appears to Ann. 1646. be well grounded by the activity the earl shewed against the Scots in their first invasion. It is obvious, that had the other chief officers employed in this expedition acted with the same sincerity and zeal, the Scots would have been reduced to the tamest submission, and the King's tyranny fully established over both nations: nor was it any backwardness in Essex, but the most preposterous folly in the court, that he who had the character of being the most experienced foldier of the age, that he who had executed with the utmost punctuality his former trust, was not put at the head of the second expedition against the Scots, and thus rendered the instrument of destruction of the liberties of both countries *. It is more than

man much disobliged at court; that the court was not artificial enough to make that right use of him which his interest amongst the soldiers, and his plain blunt English nature, might have been formed into by a seeming consequence. Clarendon says, He had no ambition of title, of office, or preferment, but only to be kindly looked upon and kindly spoken to, and quietly to enjoy his own fortune. *Wilson's History of Great Britain*, p. 736. *Warwick's Memoirs of Charles the First*, p. 130. *Clarendon's History of the Rebellion*.

* Essex, with a part of the army, had orders to advance to Berwick; and in his march thither he met with several Scotch noblemen, who pretending to be well affected to the King, informed him of the great strength of their countrymen, of their march towards England, and of the hazard he must run in attacking them with so inconsiderable a force. The earl heard them, quickened his march, took possession of Berwick, found the Scots had in reality hardly any forces, and if the King had sent him proper orders, says one of his biographers, he would have marched on to Edinburgh, and reduced that people to their duty. "The Scots, upon the approach of the King's army, says the same writer, addressed themselves to the King's generals, and especially to the earl of Essex, with great humility: the other

Ann. 1646.

probable, that the after-patriotism of his character was determined by this mortifying neglect, with the being haughtily refused a favor he had solicited *. We find him among the list of those who petitioned the King to call a parliament to settle the disputes in question ; and as the popular party left no pains nor flattery unpractised to gain him entirely to their interest, he became of consequence enough to be among those whom the King, in his state of humiliation, endeavored to corrupt by the lucre of office. The earl of Essex, with other popular lords, was sworn of the King's privy-council in the year 1640 ; and in 1641 the chamberlain's staff was taken from the earl of Pembroke, with whom the King was highly displeased, and conferred on the earl of Essex. In this capacity, Clarendon says, he would have forsaken his party and attended the King to Hampton-court, had he not been assured by the earl of Holland that there was a design laid to assassinate him. The angry measure which by the queen's influence was executed of

other two received their applications kindly enough ; but Essex behaved with becoming dignity, sent their letters to the King, and when his majesty was prevailed upon to listen to an accommodation, refused to have any concern in it, or so much as to receive the visits of the Scotch commissioners, till the pacification was signed. When there was no farther occasion for his service, he was dismissed rather with coldness than civility, and in the second expedition against the Scots was not offered any command." *Biographia Britannica.*

* On the wardenship of Needwood-Forest, which was close to the earl of Essex's house at Chartly, becoming void by the death of the lord Aston, the earl solicited the post, "and was refused it, says Clarendon, in such a manner, that he could not avoid taking it as an affront."

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depriving him of his office, with the insults which Ann. 1646. on his domestic misfortunes were flung on him by the court *, rivetted his resentment; and this, with an ambition which he had early imbibed, of shining in a military capacity, induced him to accept of the parliament the honor of heading the army they had raised against Popish and prelatical influence. Essex had now passed the Rubicon, and was declared a traitor in form †; and though he appears to have had a sufficient knowledge of the implacability of the faction he opposed, and the ruin which would ensue to himself and his party if overcome by the King, yet, from the motives already specified, notwithstanding all the encouragement the parliament gave him, he could never be brought to act otherwise than upon the defensive; and, by playing often into the hands of the enemy, had very near lost the whole game.—In the absurd and mischievous conduct of Essex is discoverable the venom which lies in political distinctions; that an individual thus invidiously adorned is more or less, according to the strength of his selfish affections, detached from the true interests of society; and that

* Anthony Wood hints this in vol. II. p. 94, of his History of Oxford Writers; and, in p. 93, exclaims, “Happy had it been, in all probability not less for King Charles than this earl, had either his ladies found fewer or he more friends at court!” Clarendon says, That the wavering politics of Essex became fixed on its being repeated to him what the King and queen had formerly said of him, and by fresh intelligence procured from York of what the King then thought of him. *Clar. Hist.* vol. I. p. 372.

† The King not only declared Essex a traitor, but refused to receive the parliament’s first application for peace, because delivered by his hand.

Ann. 1646. the virtues of humanity never rise high enough to combat the temptations of aristocratic privilege.

ACCORDING to the vulgar sense of honor, the earl of Essex is by all parties in that article allowed to be very punctilious *. He had a serious turn of mind ; and the little encouragement he received from the court, with the taste he had imbibed for martial exercises, occasioned him to avoid that circle of dissipated folly, and to devote his time to military employment, and studious retirement. He served one campaign in the Palatine, and four in the Dutch service ; attended lord Wimbledon in the character of vice-admiral, in the unsuccessful expedition to Cadiz, in the year 1625 ; and was appointed to the same command in the fleet which Charles fitted out against the Dutch, in the year 1635. On the return from these expeditions, he immediately repaired to his seat of Chartley-Castle in Staffordshire, or to the country retirements of one or other of his nearest friends and relations ; where, in the rural recreations of hunting and hawking, the exhibition of masks and plays, with the more philosophical exercises of reading and learned conversation, he divided his time till the meeting of parliament, in 1640, called him to an active scene of public business.

THE earl of Essex was born in the year 1592 ; received his education at the school of Eton and the

* His conduct, in the important trust with which he was vested by his countrymen, is plainly contrary to the just principles of honor.

university of Oxford; at the age of fourteen was sent Ann. 1646. to travel for his farther improvement; and returned, at the end of four years, with the reputation of being one of the most accomplished noblemen of his time. In his early youth he was contracted to the lady Frances Howard; but this match being dissolved by divorce, he afterwards wedded Mrs. Elizabeth Paulet, daughter to Sir William Paulet, a natural son of the marquis of Winchester: equally unhappy in this as in his first marriage, he had again recourse to the expedient of divorce *, to get rid of the second yoke he had unadvisedly submitted to; and from this period laid aside all thoughts of a matrimonial state. He left no surviving issue; and died of a sudden and violent illness, which he had contracted from having over-heated himself in a stag-chace, on the fourteenth of September 1646 †.—The Presbyterian faction, whose interest in the two houses was yet powerful and prevalent, paid on this occasion the highest honors to their leader: the Lords and Commons, with a great number of military officers and gentlemen of distinction, accompanied him to the grave; and his funeral was, at the charge of the public, celebrated with the highest magnificence and expence.

* This second divorce was obtained on the plea of adultery by his wife.

† After he had lain down his commission, he retired in great discontent to a seat of his in Kent, called Eltham-House; and refused with scorn the compliment the parliament paid him, in voting him to be made a duke. *Wood's Athenæ Oxoniensis*, vol. II. p. 94.

C H A P. V.

Rancor between the Presbyterians and Independents.——Mutiny of the army.——Proceedings of the parliament and the army.——The King seized by force.——Tumults.——The army marches to London.——The two speakers and other members of both houses withdraw from the parliament, and demand the protection of the army.——The seceding members resume their places in both houses.——The parliament repeal their proceedings against the army.——The army cajole the King.——He refuses the parliament's propositions.——Flies from the army, and takes refuge in the Isle of Wight.——The King again refuses the parliament's propositions.——Is restrained from his former liberty.——Vote of No more addresses.——Declaration against the King.——Different intrigues of the King.

Ann. 1646.

Rancor between the Presbyterians and Independents.

THOUGH mutual animosity had subsisted between the Presbyterians and Independents from the first period of the latter having formed themselves into a distinct party, yet (a few individuals excepted) they had hitherto acted with a seeming cordiality, and with equal vigor against the common enemy; but now that the power of their arms had gained a complete conquest over the royalist faction, that hatred which fear had for some time suppressed shewed itself with a rancor more virulent than either party had, in the course of the war, manifested against Papist or episcopalian. The self-denying ordinance was, from its first commencement, violated in favor of
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of one or two popular officers, who were of the Independent party *; and when the intentions of this body were answered by ousting the Presbyterians from the superior posts of the army, they had interest enough to get it so entirely laid aside, that, in the beginning of the year 1646, within twelve months after the battle of Naseby, on the issuing out writs for supplying the place of deceased and disabled members, the officers of the new-modelled army were promiscuously elected with other candidates, and permitted to keep their seats in parliament. Notwithstanding the advantage the party gained by this notorious breach of a law they had been so instrumental in procuring, yet, according to the

* After the new model had taken place, Cromwell received an order from the committee of both kingdoms, procured no doubt by the Independent interest, to march beyond Oxford with a body of horse, and to lay on the farther side towards Worcester, to intercept a convoy going into Oxford, and to keep the King and his train from escaping thence. The military success which constantly attended Cromwell having enabled him in this expedition to perform several important services, he was prolonged in his command for forty days: Sir Thomas Fairfax desiring the assistance of so good an officer, on the important occasion of the Naseby fight, his command was farther prolonged; and this prolongation was, by the contrivance of the party, repeated till custom had so authorised the infringement of the ordinance, that he kept both his seat and his command without any one offering to move for his vacating the one or the other.—Cromwell was not the only officer on the account of whose expected services the ordinance was from the beginning infringed: Brereton, Luke, Price, Middleton, Rainsborough, and others, were permitted to serve eighty days longer; and that permission was afterwards prolonged as the service required.

account

Ann. 1646.

account of Ludlow and the course of parliamentary resolutions, the Presbyterians still maintained their superiority in the lower house. The leaders of this faction had in a manner divided among them all the lucrative employments the distractions of the times produced, and had shared so largely of the spoils of their country, that, whilst they had been and still were imposing new burthens on the public, the army, since the new model had taken place, was shamefully neglected: their continual petitions for the payment of their arrears were disregarded; and since they had now completed their work, and that (according to the opinion of the Presbyterians) all opposition to their government was subdued, they talked of reducing the army without giving them any satisfaction in their just demands; and, notwithstanding the very eminent services which had been performed by Sir Thomas Fairfax, the continuation of his command was only carried by twelve votes.

Mutiny of
the army.

HAD no previous jealousy been entertained, or difference of opinion subsisted between Independent and Presbyterian, had the authority of the latter been firmly established by long custom, they would in all probability have found some difficulty in disbanding a victorious army without pay or provision, excepting a small share to be received by some regiments, who were to be transported to the wasted inhospitable country of Ireland; where their masters the parliament might starve or relieve them at pleasure. But so rash and precipitate were the measures of the Presbyterians,

byterians, and so little did they conceal their designs, Ann. 1646. that it was no secret to the Independents, that, under the mask of public service and of easing the country, their enemies were levelling a deadly blow at the party, and that the votes which had passed against them in the parliament were previous measures to a re-modeling the army.—The malice of the Presbyterians had carried them such a length, as to neglect the passing an act of indemnity for the soldiery under the command of Sir Thomas Fairfax: several of the private men were actually under prosecution for some unavoidable irregularities which they had committed during the course of the war; and when the lower house was informed, that these gallant troops had prepared a modest petition to their general to lay their hardships before the parliament *, they passed a vote, That the petition tended to introduce mutiny, to put conditions upon the parliament, and to obstruct the relief of Ireland. Some officers, who it was supposed had forwarded the business, were sent for to answer for the attempt, and were threatened to be proceeded against as enemies to the state and disturbers of the public peace †. When the general,

* The articles desired in this petition were, indemnity for actions as soldiers, satisfaction for arrears, no pressing, relief of widows and maimed soldiers, and pay till disbanded. The petitioners assured their general, That they would wholly acquiesce in whatsoever he should judge reasonable to offer, or the house to grant, in their behalf.

† On the previous information by one of their members, colonel Harley, that a business of this nature was carrying on in the army, the house took the alarm: it was moved, That such petitioners should be declared traitors: the sense of the majority was, That they should be re-

Ann. 1646.

by the command of the Commons, published at the head of each regiment a declaration containing the sense of their votes, it occasioned an universal murmur: the soldiers, it was said, by having fought for and secured the liberties of their country, were themselves deprived of the privileges of Englishmen; and whilst petitions were promoted and openly encouraged against the army*, they were, by a partial exertion of authority, prevented from uttering their complaints and setting forth their grievances.

Proceedings
of the par-
liament and
the army.

ON the news that the discontent of their troops, which the parliament had at first flattered themselves

required to forbear the prosecution of the intended petition; but, after tedious debating and high altercation, when the greater number of members, wearied with long sitting, were withdrawn, Denzil Hollis (a selfish intemperate man, a limb of the aristocracy, a member of consequence with the Presbyterian party, who ranked in the list of those whom the parliament had appointed for peerages on an accommodation with the King, and who, impatient to receive the wages of his services, had, in the employment of commissioner in one of the treaties for peace, caballed with the King at Oxford) now taking the opportunity of a thin house, procured the passing a resolution, which he drew up on his knees, declaring the petition seditious; that those were traitors who should endeavor to promote it; and a promise of pardon to all who were concerned therein, on condition that they did desist by the time limited.

Five regiments of horse had petitioned the parliament on the subject of their grievances, with an offer to enlist into the Irish service: they received a civil answer from both houses, but no redress. *Parl. Hist.* vol. XV. p. 338, & seq. *Ludlow.*

* The Presbyterian party in the house had set their emissaries to work, to procure petitions from the city, from Essex, and from the adjacent counties to London, for the speedy disbanding the army.

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was partial and would be transitory, was become general *Ann.* 1646. and confirmed, they thought fit to appoint commissioners *, both to endeavor to appease them, and to make them proposals for entering into the service of Ireland †. Lieutenant-general Hammond, colonel Lambert, colonel Rich, colonel Lilborne, and colonel Hewson, were appointed by the officers of the army to represent their sense to the commissioners. In the name of the whole body, they demanded what satisfaction was intended on the articles of arrears, indemnity, maintenance in Ireland, and conduct? and when it was replied, That the parliament had taken care of all these, excepting the point of indemnity, for which an ordinance would be ready in a few days, it was farther demanded, Who were the generals the parliament had nominated to command? On being informed, That Skippon and Massey ‡ were the appointed commanders, the committee proposed

* The earl of Warwick, lord Dacres, Sir William Waller, lieutenant-general Massey, and Sir John Clotworthy.

† The parliament's proposals were, That those soldiers who enlisted on the Irish service should have the same pay as they now enjoyed under Sir Thomas Fairfax: and whereas the officers had had the public faith for their half-pay, those who went for Ireland should have it in rebels lands; that the foot who went for Ireland should have coats and knapsacks allowed them above their pay; that the forces who went for Ireland should have debentures made up in their absence, for their arrears in the service in England; that what was respited upon the public faith to the officers employed for Ireland, the same should be paid them out of the land in Ireland, as if they had adventured. *Rushworth*, vol. VI. p. 454, & seq.

‡ Massey had been laid aside on the new-modelling the army, and was become a furious partizan for Presbyterian government.

Ann. 1647. that the troops might be indulged with all their general officers : on this motion the whole assembly cried out, " All, all ;" and others, " Fairfax and Cromwell, and we all go." Such a proposition did not answer the intention of parliament to break and disunite the Independent interest ; and the commissioners finding they could make no impression on the military when assembled, declared, That as many of the officers as would engage for the Irish service should receive farther satisfaction, on their repairing to their lodgings. This motion, which was regarded as a design to divide and weaken the army, gave great offence : the town suddenly emptied, and the parliament had the mortification to hear, that not above a dozen officers had accepted their conditions. As the parliament had affected to regard the general discontent of the army as a seditious combination of their officers, and that the common soldiers had been in a manner forced to subscribe to the offensive petition, a vindication was presented in behalf of this body, in which they exculpated themselves from that scandal *, and asserted their right of petitioning :

* Lieutenant-general Hammond, colonel Hammond, with lieutenant-colonel Pride, and others, had been sent for on this occasion ; but when the speaker taxed Pride with having read the petition at the head of colonel Harley's regiment, and that there were threatening words given out, that those who did not subscribe should be cashiered the army, Pride denied the charge. Hollis, an adversary, and a passionate memorialist, calls his answer " mere illusion and equivocation ;" that he denied having read the charge at the head of the regiment, because it had been done at the head of each company apart : " Notwithstanding, says Hollis, the house, willing to bury what was past, and hoping it would have gained them to a better obedience for the future, sent them down again, rather with respect than other-

“ We know not any thing, said the Vindication, more essential to freedom than this privilege. You have not denied it to your adversaries; you justified and commended it in your declaration of the second of November 1642, in these words: “ It is the liberty and privilege of the people to petition unto us for the ease and redress of their grievances and oppressions, and we are bound in duty to receive their petitions.” We hope, by being soldiers, we have not lost the capacity of subjects, nor divested ourselves thereby of our interests in the commonwealth; that in purchasing the freedom of our brethren, we have not forfeited our own. Besides, we can instance petitions from officers in the earl of Essex’s and Sir William Waller’s armies, even whilst they were in arms, which were well received by this honorable house, with a return of thanks; and therefore we hope we shall not be considered as men without the pale of the kingdom, excluded from the fundamental privileges of subjects; especially since we are conscious to ourselves of nothing which may deserve the same.—We have not till now appeared in petitioning, though our necessities have been frequent and urgent; not that we doubted our liberty, but because we were unwilling to interrupt you in your other weighty affairs.—For our desires of indemnity for such actions

otherwise, acquiescing with their denial. But this very act of clemency was turned against them; and when the army came afterwards to do their work barefaced, no longer to excuse but justify that petition, nay make the parliament criminal for questioning it, they upbraided the house with sending up for the officers from their charge, when they had nothing to say against them.” *Hollis’s Memoirs.*

Ann. 1647. as (being not warrantable by law in time of peace) we were enforced unto by the necessity and exigence of the war, we are confident this honorable house will approve of it, when you shall be informed that the soldiers are frequently indicted at assizes and sessions, and others grievously molested for such actions; and that notwithstanding the provision you lately made against it, divers have had verdicts passed against them this last assizes, for actions done as soldiers, as we are credibly informed. If this be practised during the time of your session, for what we did through the exigence of your service, what cruel and violent proceedings are we to find after you are pleased to dissolve?—For the particular intimation that the royal assent may be desired, we never intended by it to lessen your authority. You have, by offering the propositions, judged the desiring the King's assent convenient; the city of London made the same desire without offence; and as to your orders to the judges, we know not how effectual they may prove to save us from such proceedings after your sessions *. All these reasons considered, will, we hope, manifest our intentions in that intimation to be only a provident caution for our future safety, without the least thought of disrespect to your authority.—For the desire of our arrears, necessity, especially of our soldiers, enforced us thereunto: that we have not been mercenary, or proposed

* The parliament had as yet done no more in satisfying the just demands of the soldiers on the point of indemnity, than the instructing the judges not to receive any indictments against them for offences, *tempore et loco belli*.

gain as our end, the speedy ending of a languish-
ing war will testify for us ; whereby the people are
much eased of their taxes and daily disbursements,
and decayed trade restored to a full and flourishing
condition in all quarters. We left our estates, and
many of us our trades and callings, to others, and
forsook the contentments of a quiet life, not fearing
or regarding the difficulties of war, for your sakes.
After these services we hoped that the desires of our
hardly-earned wages, by the mediation of our gene-
ral, would have been no unwelcome request, nor
argued us guilty of the least discontent, or intention
of mutiny.—We know not any thing farther in our
petition which hath been excepted against, but your
apprehensions that it tendeth to hinder the relief of
Ireland, which we do not understand wherein ; hav-
ing always manifested, in all our actions, our readi-
ness to farther that work ; unless you mean by that
desire, that those who have served voluntarily should
not be pressed to go out of the kingdom ; to which
we humbly offer this, that those who have volunta-
rily served in these wars, and left their parents, trades,
and livelihoods, and, without any compulsion, en-
gaged of their own accord, should, after all their
free and unwearied labors, be forced and compelled
to go out of this kingdom, whose peace they have so
much endeavored with unwearied pains, hoping
thereby to have lived and enjoyed the fruits of their
labors, would to them seem very hard : but besides
this, our several votes and engagements, March 21,
to endeavor the service of Ireland what we could,
will clear us, and prove our good affections in pro-
moting;

Ann. 1647.

moting that work ; and therefore we hope what hath been said will remove all scruples, and restore us to the good opinion of this honorable house : in assurance whereof, and in consideration of the premises, we are farther emboldened to make these our requests : 1. That you will be pleased to allow us our liberty of petitioning in what may concern us now as foldiers, and afterwards as members of the commonwealth. 2. Since upon the false suggestions of some men, informing you that this army intended to enslave the kingdom, the honorable house was so far prevailed withal as to summon divers of us to appear at your bar, and to pass a declaration, thereby expressing your high dislike of our petition, declaring it tended to put conditions upon the parliament ; the sense of such expressions is so irksome to us, who have ventured whatsoever we esteemed dear to us in this world for preservation of your freedom and privileges, that we cannot but earnestly implore your justice in the vindication of us, as in your wisdom you shall think fit."

THIS stinging vindication was immediately followed by a letter, presented and recommended to the consideration of the house by major-general Skippon, in the behalf of eight regiments of horse ; wherein were expressed reasons why they could not engage in the service of Ireland under the present conduct, and which complained of the many scandalous and false suggestions lately raised against the army, whereupon they had been declared enemies to the public : That they saw designs were upon them, and many of the
godly

godly party in the kingdom: That there was an intention to disband and new-model the army; a plot contrived by some men who had lately tasted of sovereignty, and, being lifted up above the ordinary sphere of servants, endeavored to become masters, and were degenerated into tyrants. The letter declared, That those regiments would neither be employed for the service of Ireland, nor suffer themselves to be disbanded, till their desires were granted, and the rights and liberties of the subject vindicated and maintained. On reading the letter, some of the most courageous of the Presbyterian members moved, that the messengers might be committed to the Tower; but were answered by one of the opposite faction, That he would have them committed indeed, but it should be to the best inn in the town, and good sack and sugar provided them *. A long debate ensued, in which the Independents so far moderated the rage of the adversary, that the house forbore other censure than the resolving, That it did not belong to the soldiery to meddle with civil affairs, nor to prepare or present any petition to the parliament without the advice or consent of their general. They also passed several appeasing votes; and Skippon, Cromwell, Ireton, and Fleetwood, all favorite commanders with the army, were commissioned to go down and acquaint that body, That the house had appointed an ordinance to be suddenly brought in, for the indemnity of all who had acted in obedience to the authority of parliament; that the house had

Ann. 1647.

Hollis's
Memoirs.Journals of
Commons,
April 30.

* Mr. Warmouth, burges for Newcastle. *Hollis's Memoirs.*

farther

Ann. 1647.

farther resolved, That a considerable proportion of their arrears should be paid them on their disbanding; that they would take care, that the remainder should be paid at such convenient time as should stand with the necessities and other great occasions of the kingdom; and that, in the mean while, course should be taken for the auditing their accounts, and giving them debentures.

HAD such candid, just, and lenient measures been at first adopted, without any irritating circumstances, it would in all likelihood have preserved the obedience and allayed the jealousy of the army, till the Presbyterians had found a convenient opportunity to break and disunite them; but at the time and in the manner in which these resolutions passed, it served rather to shew the timidity than the justice or clemency of the party. The parliament's commissioners, on a meeting with the officers of the army, produced the resolutions which the Commons had passed in their favor; but as it was expressed in these resolutions, That the commissioners should endeavor to allay the distempers of the army, the officers declared they knew nothing of distempers, but a great deal of grievances; grievances which they could not take upon them to represent, without collecting the sense of the private men in the army. This observation was followed by a proposition, which had been at first suggested and was immediately consented to by the commissioners; men who were, in effect, the concealed promoters of the discontent, and the authors of all the measures which the army had hitherto

therto pursued. Hollis, in his Memoirs, says, That ^{Ann. 1647.} whether it was fate or design which occasioned their nomination to the employment, it proved the ruin of the Presbyterian party, whom the rank hypocrisy of Cromwell had drawn into the snare *.

To carry on a regular plan of opposition, a military parliament was, according to the fore-mentioned proposition, established: the principal officers formed

* At every intelligence of the disorderly proceedings of the army, he appeared moved to an higher pitch of grief and anger than any other member in the house; he lamented with tears and seeming agonies of sorrow the continued misfortunes of the country; and at once to convince the house that he was not engaged in the factions of the military, and to drive things to the desired crisis, he advised violent measures to suppress the growing mutiny; he called God to witness, that his devoted attachment to the parliament had rendered him so odious to the army that his life, whilst among them, was in the utmost danger; and that he had very narrowly escaped a conspiracy formed to assassinate him. Though this rank and stale hypocrisy deceived the vulgar, yet Hollis and the men of penetration of the Presbyterian party saw clearly through the dissimulation of Cromwell; and having procured certain intelligence, that the most active of the mutineers were either his creatures or in close connection with him, it was resolved among the leaders, That the next day, when he should come to the house, an accusation should be entered against him, and he should be committed to the Tower. Cromwell was informed of the design, and instantly hastened to the camp; from whence he wrote word to the lower house, That having received notice the jealousy the troops had conceived of him was much abated, and that if he was present quickly with them, they would in a short time be reclaimed, he had made all the haste he could, and did perceive the soldiers had been abused by misinformation. The leaders finding that Cromwell had escaped them, forbore the accusation; * being not willing, says Ludlow, to shew their teeth when they could do no more." *Ludlow*, p. 74. *Clar. Hist.* vol. III. p. 35, & seq.

Ann. 1647. a council after the model of the house of Peers; whilst the more general representative of the army was composed by the election of two private men or inferior officers, under the title of Agitators, from each troop or company. This court, when assembled, voted the offers of the parliament unsatisfactory: Eight weeks pay, they said, was a small portion of fifty-six, which was in arrears; that no visible security was given for the remainder; and the army having been declared enemies by the Commons, they might hereafter be prosecuted as such, unless the declaration was recalled.

WHILST matters were proceeding this length in the army, the Presbyterians were triumphing over the Independents in the capital. A petition of this body, with the following address, "To the right honorable and supreme authority of this nation, the Commons in parliament assembled," and intitled, "The humble Petition of many Thousands, earnestly desiring the Glory of God, the Freedom of the Commonwealth, and the Peace of all Men," was, by a majority of ninety-six against seventy-eight, voted to be burnt by the hands of the hangman; and one of the petitioners was committed to Newgate for what was termed by the party "insolent behavior." The purport of the petition is not to be met with in the collections of the times; but that which gave the great offence to the Presbyterians, who were as tenacious of their civil as their religious prejudices, was the styling the Commons "the supreme authority of the nation."

ON

ON the report of the growing dissatisfactions of Ann. 1647. the army, and the encouragement which Cromwell on his return gave them, that the greater part of this body would return to their duty on a proper exertion of authority, the parliament voted, That all the troops who would not engage for Ireland, or were not wanted in England, should instantly be disbanded in their quarters. This was an open defiance to the power and pretensions of the army, and the Rubicon at which it must either stop and submit to the civil authority, or pass over to a state of desperation. The prime movers of the mutiny were too well acquainted with the spirit and temper of the soldiery to fear an absolute submission to imperious and tyrannical commands; and it was on these grounds that Cromwell had urged the Presbyterians to a conduct which must involve both parties in the necessity of an immediate trial of strength. On the twenty-fifth of May it was voted, That eleven regiments of foot should be disbanded*; but as the parliament, to separate the army, had ordered them to be disbanded at different times and places, so the council of war, on the pretence of avoiding tumultuous actions in the different parts of the army, as they lay dispersed, advised the drawing the quarters nearer together, for the convenience of a general rendezvous; a measure which they recommended to the general, for the discovery of the true distemper and disposition of the army; requesting at the same

* Six regiments of horse, with some regiments of foot, who were commanded by officers in the Presbyterian interest, were kept up for the defence of England.

Ann. 1647.

time, That he would move the parliament to resume the consideration of their grievances, with their last votes for the disbanding, and to suspend any present proceedings thereon. The results of this council, transmitted by Fairfax to the parliament, accompanied with an entreaty that they would proceed with caution, and not incense the army to a breach which would endanger the new-acquired peace of the Commonwealth, so intimidated the Presbyterian party in parliament, that they voted, That the common soldiers of Sir Thomas Fairfax's army, both horse and foot, should have their full pay upon disbanding or engaging for Ireland; and acquiesced in a motion of the Independents, that the declaration against the army's petitioning, drawn up by Hollis on the twenty-ninth of March, should be expunged from their Journals *. —Fairfax's letter to the parliament was followed by another from the commissioners they had sent to assist the general in the business of disbanding, and to give the soldiers the thanks of both houses for their faithful services. On their representation, That it was impossible to attempt disbanding the army in its present disposition, they were recalled; and the parliament was obliged to submit to the insult of being plundered of part of the money they had sent down to pay the soldiers †. After this declared opposition to the civil authority, there was no receding on the side of the army; and the dangerous contest

* This was carried by a majority of ninety-six against seventy-nine.

† Three thousand five hundred pounds were stopped at Woodstock by the regiment under colonel Rainsborough.

in which Presbyterian and Independent were now engaged, gave an importance to the King and his vanquished party which they had little reason to expect. Ann. 1647.

WHILST the crafty policy of the Presbyterians led them to dissemble their rage, to allay the jealousy and ferment their unguarded measures had occasioned, and to wait a fitter opportunity for the execution of their designs, the bold intrepid spirit of the Independents struck a stroke which at once decided the victory in their favor. On the third of June, whilst the King was diverting himself in a bowling-green near Holdenby, the commissioners attending him received intelligence, that a party of horse were advancing to that house. The King hastily left off his diversion, and returned to the place of his captivity, where the guards which were usually placed about him were doubled. Two hours after midnight came that party of horse whose motions had been discovered, and in good order drew up before Holdenby-House. The attending officers, major-general Browne and colonel Graves, asked the commander his name and business? He replied, his name was Joice, a cornet in colonel Whaley's regiment, and his business was to speak with the King. "From whom," said the officers? "From myself," replied Joice. This unexpected answer occasioning the officers to smile, the cornet told them, it was no laughing matter; and on their advising him to draw off his men, and in the morning he should speak to the commissioners, he bluntly answered, That he did not come there to be advised by them, nor had he any business with the The King seized by Joice.
Herbert's Memoirs.
com-

Ann. 1647. commissioners ; that his errand was to the King, and speak with him he must and would presently. The commanding officers of the King's guard directed their men, who in numbers over-matched the small party attending Joice, to stand to their arms, and be ready to fire when ordered ; but instead of preparing for resistance, they opened the gates to their fellow-soldiers, shook them by the hands, and bid them welcome *.—Joice, on obtaining entrance, ordered centinels to be set at the commissioners chamber-doors, and then made his way up the back stairs to the royal antichamber, where he found some interruption from the King's four grooms † ; who, on asking him if he had the commissioners approbation for his intrusion, were answered No ; that the cornet had ordered a guard to be set at their chamber-doors ; and that his instructions were from those who feared them not. On the King's peremptorily refusing to rise and speak with Joice, he had the complacency to desist from his importunity till morning ; when, on the King's asking for a sight of his instructions, he shewed him his company, to the number of fifty tall handsome men, well mounted and armed ‡, drawn up in the inner court of the house, and said those were his

* Whilst the soldiers were conversing together, colonel Graves, an officer strongly in the Presbyterian interest, and who in consequence was very disagreeable to the army, of whom it had been suggested that he was engaged in a plot to convey the King to London, got off, and escaped the search immediately made for him.

† Maxwell, Mawle, Harrington, and Herbert.

‡ They were a select detachment ; most of them were subaltern officers, picked from several regiments.

in-

instructions: "They are, returned the King, in fair Ann. 1647. characters, legible without spelling." Notwithstanding the continued importunity of Joice, the King, who feared some violence was intended him, refused to stir unless the parliament's commissioners were permitted to go along with him. This request was complied with; and the whole company, conducted and guarded by Joice and his party, set forward to the main quarters of the army, who were drawing together to a general rendezvous at Triploe-heath, near Cambridge. —At Childersley, an house of Sir John Cutts, within four miles of Cambridge, Sir Thomas Fairfax and all the general officers came to pay their compliments to the King. Sir Thomas Fairfax not only disavowed having given any order or approbation thereto, but having any knowledge of Joice's enterprize, and earnestly entreated the King to return back to Holdenby with the parliament's commissioners; to which place, he said, he would order him to be re-conducted with a strong guard. The King, who had soon found that there was no danger of assassination, was so taken with the cajolment of the army, that he refused the general's offer*; though, being well acquainted with the temper of his troops, he had used many arguments to persuade him to return to the custody of the parliament †.

* Joice contrived to get so soon into the King's favor, that though he was met by colonel Whaley, who had been sent by Fairfax to re-conduct him to Holdenby, when he was yet but two or three miles on his way to Cambridge, he positively refused to return. *Fairfax's Memoirs.*

† Sir Thomas Fairfax tells us, That on his taking leave of the King, his majesty said, "Sir, I have as good interest in the army as you;"

Ann. 1647.

THE Independents had pleaded their natural and their Christian rights, in opposition to that authority which the Presbyterians, on the conquest of the King, had imagined they had secured to themselves. These were pretensions in no exigence to be yielded to; and such was the rancor of Presbyterian against Independent, that, rather than condescend to partake of the blessings of General and Equal Liberty with this hated rival, they were ready to unite with their inveterate and now-enraged enemies, the cavalier faction. The virulence of this party against men to whose heroic exertions they owed their present security and splendor, with its fatal consequences, was known and felt by the army: a better understanding than usual they had observed to exist between the King and the parliament; and some offers which he had lately sent, as a ground for reconciliation, had had a visible effect in both houses *. All the Inde-

you;" " at which, writes Fairfax, I plainly saw the broken reed he leaned on. The agitators could change into that color which served best their ends, and had brought the King into the opinion that the army was for him."

* These offers of the King were, to confirm the Presbyterian government, with the Directory, for three years, with an exception for himself and his household; the matter to be afterwards determined by the assembly of divines at Westminster, with an addition of twenty of the King's nomination: He assented to all the parliament's propositions against Papists, and to the due observation of the Lord's day: He offered to part with the militia for ten years, to give satisfaction on the business of Ireland, to pass an act of oblivion without exceptions, and to confirm the acts of the new great-seal, provided he was not obliged to make void those which had been passed under the old one: He would confirm, as desired, the privileges of the city of London, and gratify his parliament in making void the grants passed under

pendents had been turned out of the command both Ann. 1647. of the civil and military offices in the city, and Presbyterians put in their places. This had produced several addresses from the capital against the army; and should the city, the parliament, with the soldiers who had served under Presbyterian generals, declare

der the great-seal of Ireland since the cessation, as far as he possibly could, without destroying those alterations which were necessary to the crown. The hopes the parliament had conceived from these propositions, of the present pacific disposition of the King and his party, were soon overthrown by the following letter from Mr. Ashburnham, which had fallen into their commissioners hands: "May it please your majesty, as 173 hath written to you lately by persons at large, this is in short to tell your majesty, that my soul is sorrowful to death for your afflictions; and 389 doth confess that weight to be greater than mankind can suffer, unless your majesty look stedfastly upon religion and honor. Yet be not discouraged, for, if you continue constant to your principles, you will yet overcome all, and in all probability you will see a good war for your recovery. 389 hath perfected his negociation with prince William, and if the peace between Spain and the States be declared, which is confidently said here, he will certainly land a gallant army for your relief; and 389 hopes you shall have the Irish army and this meet successfully: therefore, as you tender the good of you and yours, be constant to your grounds. If your majesty make laws to strengthen their usurped power, or part with the church-lands, there can be no hopes to restore you, and your posterity will be for ever lost. All that I, or any of your faithful servants can say to you is, to beg constantly for you, that God would fortify your resolutions, and enable you to go through your unheard-of trials with piety and reputation."

This letter was written in cypher: the Lords had declared, on receiving the King's propositions, that he should be immediately removed to Oatlands. This question the Presbyterians did not carry in the Commons' house; and before the matter of the King's propositions was duly considered in either house, his majesty was seized by the army, which for some time put a stop to the debates on the subject. *Parl. Hist.* vol. XV. p. 376.

Ann. 1647.

for the King, and thus acquire the assistance of the royalists, a hazardous contest must ensue; or the army, with every Independent who had joined in their measures, submit not only to lose the fruit of their glorious labors, but to incur the censure of the law, and be prosecuted as traitors. Such were the fears and such the situation of the party, when the bold and fortunate adventure of Joice gave a sudden turn to affairs, and shifted the danger on the side of the adversary.

GREAT was the panic of the parliament, when they received intelligence that the King was in the hands of the army: an express was sent to the earl of Northumberland for bringing the King's children out of the country to St. James's; an ordinance was passed for a full indemnity for all actions done by the soldiers in their military capacity; commissioners were appointed to acquaint the general with the votes which had passed both houses in favor of the soldiery, to desire his assistance to communicate them to the army, to cause them to be read at the head of every regiment, and to improve them to the best advantage to the public peace. On a motion of field-marshal general Skippon, who exhorted the Commons to humble themselves before God, and to do those things which a zealous and conscientious army, to whose service they were so greatly indebted, desired of them *, a message was sent up to acquaint the Lords, That the members of the lower house intended to

June 4.

* The army, he told them, was a formed body, not to be provoked, which would be upon them before they were aware.

keep

keep the next day for private humiliation and fast-^{Ann. 1647.}ing. The Lords acquiesced with the opinion of the Commons; the members of both houses were ordered to be present; and, to prevent any insult which might ensue from the high spirits of the Independents, it was recommended to one of their committees, sitting at Derby-House, to take into immediate consideration the best ways and means for the ordering and directing the forces within the city of London, lines of communication, Middlesex, Hertfordshire, and Kent; to suppress all tumults, mutinies, and disorderly assemblies, to the disturbance of the parliament, and hindrance of their proceedings in the carrying on the great business of the kingdom. At the same time the lord-mayor and the committee of the city militia were ordered to take care to prevent all tumults and disorderly coming-down of the people to the two houses of parliament*. To endeavor to reconcile to themselves the public opinion, and to take off that odium which their exactions and tyrannies had occasioned, a second self-denying ordinance was passed by the Commons; viz. That no member shall receive any profit of any office, grant, or sequestration from the parliament: That the benefit such members have received shall be paid for the use of the commonwealth to the committee of accounts: That the lands and estates of all the members shall be liable to the law for the payment of

* A couple of regiments of the train-bands were appointed for a guard to the two houses.

Apr. 1647. their debts *.—At the same time this ordinance passed, a day was fixed to hear information against members, with a resolution that no member hereafter should receive reparation for damages or losses sustained by these troubles, till the public debts were satisfied.

WHILST the parliament were thus endeavoring to avoid the threatened storm, by a seeming reformation in conduct and government †, Sir Thomas Fairfax (who had so little hand in that masterly stroke of the army that he would have proceeded against Joice, had he not been screened by the authority of the council of war ‡) was plying them with letters to clear himself from the imputation of being concerned in the business of seizing the King's person. Not so was the conduct of his troops: they avowed and vindicated the fact, asserting, That by that undertaking they manifested true love to the parliament and their country, in endeavoring to crush the project of a second war, by preventing the King from heading an army which, they said, was intended to be raised, and which, if effected, would be to the utter undoing of the kingdom. On their assembling at a

* The citizens had continually petitioned, though in vain, against the unjust privileges of the members of parliament in this particular.

† The excise of fish and flesh was about this time taken off by the parliament.

‡ The seizing the King had been determined on in a meeting of officers at lieutenant-general Cromwell's house. *Hollis's Memoirs*, p. 96.

general rendezvous, they entered into a solemn engagement, That they would not disband nor divide, nor suffer themselves to be disbanded nor divided, till they had received full satisfaction in relation to the grievances they had heretofore presented*; and such security, that when they were disbanded and in the condition of private men, or other the free-born people of England, to whom the consequence of their case, they said, did equally extend, should not remain subject to the like oppression, injury, or abuse as had been attempted and put upon them; and that themselves, or others who had appeared to act in their behalf, should not, after their disbanding, be any way questioned, prosecuted, troubled, or prejudiced for any thing so acted, or for the entering into a necessary prosecution of the present agreement. The army farther insisted, That a council of war, consisting of those general officers, with two commissioned officers, and two soldiers, who had or should concur with them in the premises, should be the judges of the necessary security and satisfaction.

IMMEDIATELY after subscribing this engagement, the army began their march, and advanced to St. Alban's, within twenty miles of the capital. From this place the general, with the rest of the chief officers, sent a letter to the city, in which they com-

* On the question, whether to give any farther answer to the particulars in the summary of the army? the Presbyterians had carried the negative but by a single vote. *Parl. Hist.* vol. XV. p. 413.

plained,

Ann. 1647.

plained, That there were certain members of parliament who endeavored to engage the kingdom in a new war; they disclaimed the intending any alteration in the civil government, or to hinder the settling of Presbyterianism; nor would they molest the citizens, if they appeared not to assist their enemies. Great were the distractions of the Londoners on the news of the army's motion: the guards were doubled about the two houses of parliament*; the city militia were all called out, and ordered to guard that line which had been drawn out to secure the city against the royalists; a body of horse was appointed to be levied; two regiments, under Pye and Greaves, who had deserted the army, were called in; and a large number of those officers who had been cashiered by the new model were taken into the service of the parliament; a declaration was set forth to give information to the kingdom what this assembly had done in satisfaction to the soldiery; the subject was prohibited, on pain of death, to gather together and assemble in companies; and it was voted by both houses, That the general be required to deliver the King to such persons as the parliament shall appoint, to be placed at Richmond under such guards and in such manner as they shall think fit; to the intent that the propositions agreed upon by both kingdoms may be speedily presented to his majesty, for the settling a safe and well-grounded peace†: That those

* It was ordered that halberts, half-pikes, and other arms should be brought into the outer rooms, "as if, says Whitlock, they expected an immediate storm."

† This question was carried by a majority of one hundred and forty-six against one hundred and fifteen.

to whom the general is required to deliver the person of the King, to be placed at Richmond, shall be the commissioners formerly appointed to receive the person of the King at Newcastle, or to any three of them : That the guards appointed to receive the orders and directions of the commissioners, in attending and guarding the person of the King, shall be colonel Rossiter and his regiment. Ann. 1647.

SIR Thomas Fairfax, whose religious principles were Presbyterian, who really wished well to the authority of the parliament, and who was rather driven on by the spirit of his soldiers than influenced by his own judgment and inclinations, had brought the army to wait the decisions of the parliament at St. Albans, and to promise, that, provided a month's pay was sent them, they would not advance nearer the capital without first acquainting the parliament's commissioners ; but it was with difficulty he could keep the resentment of the troops within bounds, on the dilatoriness of this assembly to give them the satisfaction they had demanded, on the reports daily brought down from London, of the military preparations making against them, and more particularly in endeavoring to separate and divide them, by dispersing through each regiment a vote of the house, That such soldiers as should forsake the army should have the benefit of the former votes of both houses, touching the full pay of the common soldiers. In answer to a message the parliament had sent by a new set of commissioners *, to know what the desires of the army

* These were the earl of Nottingham, major-general Skippon, and Sir Henry Vane, junior ; to these was afterwards added the lord Delawar.

Ann. 1647. were, they sent up a declaration, where, instead of quibbling on the terms of law, and the forms and principles of the constitution, they asserted their cause on the rights of nature, the laws of equity, and that rule of reason which would teach a body of men to keep their arms in their hands till the purposes were fully answered for which they took them up *.

lawar. The commissioners were afterwards altered to the earl of Nottingham and the lord Wharton.

* “ We were not, says the declaration, a mere mercenary army, hired to serve any arbitrary power of state, but called forth and conjured, by the several declarations of parliament, to the defence of our own and the peoples’ just rights and liberties; and so we took up arms in judgment and conscience to those ends, and have so continued them; and are resolved, according to your first just desires in your declarations, and such principles as we have received from your frequent informations, and our own common sense, concerning these our fundamental rights and liberties, to assert and vindicate the just power and rights of this kingdom in parliament for those common ends premised against all arbitrary power, violence, and oppression, and all particular parties and interest whatsoever; the said declarations still directing us to the equitable sense of all laws and constitutions, as dispensing with the very letter of the same, and being superior to it when the safety and preservation of all is concerned; and assuring us, that all authority is fundamentally seated in the office, and but ministerially in the person. —The parliament hath declared it no resistance of magistracy, to side with the just principles of law, nature, and nations, being that law upon which we have assisted you; and that the soldiery may lawfully hold the hands of that general who will turn his cannon against his army on purpose to destroy them, the seamen the hands of that pilot who wilfully runs the ship upon the rock, as our brethren of Scotland argued; and such were the proceedings of our ancestors of famous memory, to the purchasing of such rights and liberties as they have enjoyed through the price of their blood; and we, both by that and the later blood of our dear friends and fellow-soldiers, with the hazard of our own, do now lay claim unto. Nor is that supreme end, the
glory

THIS declaration, which in sentiment and language out-did every thing of the kind published Ann. 1647.

glory of God, wanting in these cases to set a price upon all such proceedings of righteousness and justice, it being one witness of God in the world to carry on a testimony against the injustice and unrighteousness of men, and against the miscarriages of government when corrupted or declining from their primitive and original glory."

The demands of the army expressed in this declaration were, That the houses should be speedily purged of such as for their delinquency, their abuse of trust, and corruptions, ought not to sit there; that those persons who had abused the parliament and army, and endangered the kingdoms, should speedily be disabled from doing farther mischief; that some time should be set for the continuance of this and future parliaments, and new elections made successively, according to the bill for triennial ones; that provision should be made, that future parliaments might not be adjournable or dissolvable at the King's pleasure, but continue the set time; that in the present distribution of elections, members were very unequal, and the multitude of burgessees for decayed or inconsiderable towns, whose interest in the kingdom did in many not exceed, and in others not equal ordinary villages, did give too much and too evident opportunity for men of power to frame parties in parliament, to serve particular interests; it was desired, that some provision should be made for such distribution of future elections as might render the house of Commons a more equal representative of the people; that the right of the people to represent to the parliament their grievances by petition should be vindicated; that the large powers given to committees of deputy-lieutenants during the war, as did appear not necessary to be continued, should be taken away, and such as were necessary should be put into a regulated way, and left to as little arbitrariness as the nature and necessity of the offices would bear; that the parliament would satisfy the kingdom in point of account, and other things whereby the commonwealth might be conceived to have been wronged; that the public justice having been satisfied by some few examples of the worst of the excepted persons, some course should be taken, by a general act of oblivion or otherwise, whereby the seeds of future war might be destroyed.

The provision proposed by the Declaration was, That those counties which included inconsiderable towns, should be restrained in their

Ann. 1647.

by the parliament, was drawn up by commissary-general Ireton *, a man of genius and erudition, a firm republican in principle, of extensive knowledge and sound judgment in matters of policy and government, and who, excelling in shrewdness and understanding every individual of his party, was the concealed but sole director of all the motions of the army. The army styled their declaration a representation concerning the just and fundamental rights and liberties of themselves and the kingdom, and accompanied it with a charge against eleven members of the house of Commons, the leaders of the Presbyterian party †, whom they accused of being incendiaries between the parliament and the army, the promoters of all the proceedings against this body, and the contrivers of plots to involve the kingdom in a new war.

THE resolution and sagacity which had marked the conduct of the army, with their sensible and spirited declarations in favor of the freedom of the common-

election of members to the proportion of rates they bore to the common burthen and charge of the kingdom.

As the powers of the several committees appointed by the parliament were great, they were consequently abused. Under color of malignancy, the individuals who composed these courts exercised vengeance against their private enemies; to the guilty sold their protection; and, on the peril of undeserved censure, exacted money from the innocent.

* Ireton drew up all the papers published by the army.

† Denzil Hollis, Sir Philip Stapleton, Sir William Lewis, Sir John Clotworthy, Sir William Waller, Sir John Maynard, major-general Massey, Glynn the recorder, colonel Walter Long, colonel Edward Harley, and Anthony Nichols, Esq.

wealth,

wealth, had gained them such reputation, that whilst Ann. 1647. the power of the parliament, except by the faction *, was either hated or despised, they received addresses from all parts of the kingdom, as the only guardians of public liberty †. The city of London was so much frightened at their courage and popularity, that they sent a deputation of aldermen and common-council-men to St. Alban's, disclaiming any intention to raise forces, or to oppose the proceedings of the army; and petitioned the Commons to give way to the discharging all the forces levied in consequence of their votes. The Commons, notwithstanding this discouragement, yet retained spirit enough to deny the request ‡. By the persuasion of their leaders, they sent a conciliatory message to the King; and though they so far condescended as to send a civil letter to Fairfax, in which they signified they had desisted

* The Presbyterians.

† In these addresses the petitioners desire, that the army may not be disbanded till all grievances are redressed; complain that their petitions to the parliament were not now, as in former times, either received or answered, and in particular their petitions against tythes, &c. The Presbyterian clergy, though they had inveighed against the avarice of the episcopalians, of their performing their duty for gain instead of godliness, &c. were for securing to themselves the spoils of the adversary; and preferred many petitions to the parliament for the settlement of tythes, &c. These pretensions were much disliked by the laity, who hoped, when the old ecclesiastical establishment was abolished, to be eased of part of the taxes they had paid to the church. The Independent clergy, of whom the army were the patrons, disclaimed all pretensions to a settled revenue.

‡ It was carried by a majority of seventy-six against seventy-two, that the question concerning discharging should not be put.

Ann. 1647.

from all farther levies, or from ordering up the troops from the distant counties, yet they refused to proceed on the charge against the eleven members, unless particulars were sent up by the accusers. The army, with the charge against these offenders, had demanded, that, by an immediate suspension from sitting in the house, they should be disabled from hindering, by their power and influence, the just proceedings of that assembly. The Commons insisted that they could not, consistently with the privilege of parliament and the laws of equity, proceed thus far against them on a general charge; but the army, to the great triumph of the royalists, pleaded the precedent the parliament had themselves made in several cases *; particularly those of the earl of Strafford, the archbishop of Canterbury, and the lord-keeper Finch †.

* In this remonstrance the army hinted, that the expunging the declaration these leaders had advised, was more the effect of fear than any good intention the house, under its present influence, had to the army; and upbraided them with having passed a declaration, which they afterwards found necessary to expunge without any alteration in its pretended ground. They prefer to the consideration of the house the suffering a dissent on any important question; and profess, that though they thought no privilege ought to protect evil men in doing wrong to particulars, or mischief to the public, yet their regard to the privileges of the parliament had hindered them from sending up a particular charge against the eleven members, till they were suspended from sitting in the house.

† With their compliance in this point, they farther insisted, that the declaration inviting men to desert the army, with a promise of their arrears if they did so, should be recalled and suppressed; that the army should be immediately paid up equally to those who had deserted it; that his majesty's coming to Richmond should be suspended

As the city, by the tameness of their conduct, had Ann. 1647. shewn they were not to be depended on in opposition to a victorious army, and as the troops commanded by Presbyterian officers lay in the north and west parts of the kingdom, the most judicious men of the party urged the expediency of gaining time by compliance. The parliament gave way to the present necessity: the king's journey to Richmond was no longer insisted on; new commissioners, with additional powers, were sent down to the army, both by the city and parliament; orders were given for discharging all the levies which

pened until things were better settled and composed, and, in the mean time, no place should be appointed for his majesty's residence, that might be any nearer to London than the parliament would allow the quarters of the army to be; that those who have deserted the army should be instantly discharged and dispersed, and receive no more of their arrears till the army was first satisfied; that both parliament and city should be speedily and effectually freed from those multitudes of reformadoes and other soldiers which flocked together about London, and a speedy dispatch and discharging of them from the city; that all such listings or raisings of new forces, or drawing together of any, as was beforementioned, and all preparations towards a new war, may be effectually declared against and suppressed, as also all innovations or endeavors to draw in foreign forces; that the present perplexed affairs of the kingdom, and those concerning the army, as also all the things desired in the late representation of the army in behalf of the kingdom, should be put into some speedy way of settlement and composition. The army in this used the following threat, that they should be enforced by the parliament's affected delays to take extraordinary courses to put things to a speedy issue, unless they received assurance and security on the specified articles; and observed, that parliamentary privileges, as well as royal prerogatives, may be abused by being turned against the people; and that, in this case, it was as laudable to oppose the one as the other.

had

Ann. 1647. had been made in the city by the authority of the house of Commons, or the committees of militia; the deserters who had come in on the invitation and at the earnest request of the parliament were discharged; the troops under Fairfax, now voted the parliament's army, were to be paid up equally with those who had left the service*; the King was to reside no nearer to the capital than were the quarters of the army; the reformadoes were to remove; and in compliance to a fresh proposition, all the land forces within the kingdom of England, dominion of Wales, isles of Guernsey and Jersey, were to be under the immediate command of Sir Thomas Fairfax, and no officer or private soldier was to leave the army, without licence from the general. They revoked the orders they had made for drawing in forces from the adjacent counties, for the bringing in lists of the names and qualities of such gentlemen and reformado officers as should be willing to engage in their service: they voted the raising sixty thousand pounds a month, for maintenance of the army and the service of Ireland;

* Notwithstanding the still continued heavy assessments, and the large sums which accrued from the forfeited estates and the composition for delinquency, the Presbyterians, to whom all the places of trust had been in general committed, were such bad managers of the public treasure, that the parliament was necessitated to borrow another hundred thousand pounds of the city, to be enabled to advance to the army the month's pay which had been promised them. The city were so backward and refractory on the desired payment of this loan, that the army were obliged to threaten them, that they would levy it by distress for the arrears of payment on former loans and assessments. *Rushworth*, vol. VII. p. 789.

sent

sent them down considerable sums of money for their present satisfaction; and, in some measure to pacify them on the subject of the suspension, the eleven members were persuaded to ask, and were readily granted the leave of the house, for absenting themselves till the present jealousies were subsided. Ann. 1647.

THESE conciliatory measures had their effect: the resentment of the army was to all appearance mitigated; and they were induced by their general to comply with the earnest desire, both of the parliament and the city, to remove their quarters to the distance of Reading. Cromwell, Ireton, Fleetwood, Harrison, Sir Hardress Waller, Rich, Lambert, Hammond, and Rainsborough, were appointed by the army to treat with the parliament's commissioners on terms of accommodation. But whilst the former complained, that though the parliament seemed by their votes to comply with the desires of the army, yet they delayed to put these votes in execution; and that the commencement of the treaty was prolonged by their insisting, as a necessary preliminary, That the parliament should perform some of those things which they had in appearance granted; rumors continually prevailed in the camp, that the adverse faction in London were making great preparations to overthrow all which had been yielded to in favor of the army; that the lifting of soldiers was carrying on in a clandestine manner; and that there was a great talk of succors being expected from Scotland. The following set of demands were, in consequence of

Ann. 1647. of these reports, sent up to the parliament: That a declaration be published against the bringing in foreign forces; that the army be paid up equal to its deserters, and put into a constant course of pay; that the committee of the militia of London, which had been changed by an ordinance of the fourth of May last, should be restored; and the militia of the city speedily returned into those hands who had formerly given large testimonies of their fidelity to the parliament and the kingdom. On the receipt of this petition, the parliament declared, That whosoever should bring in foreign forces, without the consent of both houses, should be deemed traitors; and, to convince the army that they intended no other than pacific measures, the government of the militia of London was immediately restored to the Independents, from whom it had been taken by the forementioned ordinance*.

By this unlimited acquiescence †, the Presbyterians hoped to prevent a rupture with the army, and to wait a more favorable opportunity for recovering their power and influence: but this, the only probable chance they had of preserving any share of

* Pennington, the late lord-mayor, was one of this number.

† The treaty between the parliament and the army was, after these resolutions had passed, carried on with great alacrity. The army were very forward in finishing their proposals for settling the public peace, and came to a resolution with the parliament's commissioners, for the speedily sending eight thousand foot and two thousand horse into Ireland. *Parl. Hist.* vol. XVI. p. 210.

former

former authority (for the forces under Pointz in the North had imprisoned their general, and had entered into an association with Sir Thomas Fairfax's army, and many soldiers who had engaged to go to Ireland now offered their service to this general), they were totally deprived of by the turbulent impatience of some individuals of the party. The eleven accused members, who, instead of retiring beyond sea, according to their proposition to the Commons, till the present jealousies were subsided, lay lurking in the city to watch a favorable opportunity to reinstate themselves in their office: They did not fail to work on the exasperated spirits of their brethren, who could not forbear to accuse the parliament of baseness of conduct, nor see without the utmost regret the condescensions of this assembly to the army. A petition, which contradicted some of the demands of the army, and desired a good correspondence with Scotland might be maintained, was presented to the parliament by the common-council of London, who were all of the Presbyterian sect. An engagement, by which the confederates bound themselves to endeavor that the King should come to London with honor, safety, and freedom, and that without the nearer approach of the army, there to confirm such things as he had granted in his message of the twelfth of May last, and that by a personal treaty with his two houses, and the commissioners for the kingdom of Scotland, the points which were yet in difference might be settled, and a firm peace established, was entered into by the party in general. In vain did the parliament publish a prohibition to sign it: the

Ann. 1647.

Ann. 1647.

commotions every hour encreased, frequent assemblies were held, soldiers publicly lifted, and petitions poured into the parliament for the establishment of Presbytery, and against sectaries; and into the common-council *, that the militia might be continued as settled by ordinance of the fourth of May. The result of these petitions was represented in another of the common-council to the parliament, wherein they complain, That the houses had shewn them an unusual neglect, in not taking the sense of the city before they determined on the subject of its militia.

Tumults.

THE caution of the parliament not suffering them to comply with the request of their party, the petitioners grew tumultuously importunate; and, on the twenty-sixth of July, a rabble of apprentices and others went in crowds to Westminster, with a petition, which they presented to the Commons, That the ordinance of the twenty-third of July, for change of the militia of London, should be immediately repealed; that the city should be vindicated against a late pretended declaration, that those are traitors who shall act to get subscriptions, and that it shall be revoked; and that both houses should presently make an order for the calling in absent members, especially the eleven late accused members. The receipt of these demands threw the house into a serious and anxious debate; which taking up more time than

* There were several petitions of a contrary nature carried up about this time by the Independents. The behavior of these petitioners was decent, and the style of their petitions modest.

the

the impatience of the petitioners could bear, they Ann. 1647. grew outrageous, threw stones in at the windows, and almost knocked down the door of the house *. Both Lords and Commons, finding resistance would be vain, voted, That the ordinance of the twenty-third of July, for settling the militia of London, and the declaration of the twenty-fourth, to the same intent, should be null and void. The Commons adjourned till the next day ; but the speaker and the greater part of the members were constrained by the mob to resume their places, and to vote that the King should come to London.

WHEN the intelligence of this tumult reached the camp, the army were immediately put into motion, The army march to London. and advanced with speed to the capital, to chastise (as they said) the seditious rabble, to vindicate the invaded privileges of parliament, and to restore that assembly to its just freedom of debate and council. On Hounslow-Heath, where they were drawn up to the number of twenty thousand strong, they were met by the speakers of the two houses in their formalities, with nineteen peers † and one hundred The two speakers and other members of both houses withdraw from the

* Whitlock says, That apprentices and others of the common sort came into the house of Commons with their hats on, kept the door open, and called out as they stood, "Vote, vote," standing in this manner till the votes had passed for repealing the ordinance for changing the militia, and the declaration of both houses of the twenty-fourth. This petition was styled, "The humble Desires of the Citizens, Commanders, &c."

† The earls of Northumberland, Kent, Rutland, Sarum, Warwick, Denbigh, Mulgrave, and Stamford ; the viscounts Hereford and Say and Seal ; the lords Delawar, Dacres, North, Grey, Roberts, Maynard, Howard, Herbert, and Bruce.

Ann. 1647.
parliament,
and demand
the protection
of the army.

Commoners *, who having secretly retired from the distracted city, applied to the army for defence and protection against the violence of the multitude. This favorable event, which gave a legal coloring to their proceedings, crowned the successes of the army. They rent the air with the shouts and acclamations with which they received the petitioners, and the same respect was paid them as due to the full parliament of England.

ON the thirtieth of July, when the two houses met after a short adjournment, to their great surprize they missed both their speakers: they were instantly enquired after; and when these assemblies were informed, that they had been seen going out of town in the road to the camp, accompanied with several of the Peers and Commons, they proceeded to vote the lord Grey for the speaker of the upper house, and Mr. Henry Pelham for the lower house. The eleven accused members, by a vote of the house, resumed their seats among the Commons; and as, by the fore-mentioned desertion, both houses were pretty well thinned of the Independent party, they resolved, with little contradiction, that the king should come to his parliament with honor, freedom, and safety †; that the

* At the rendezvous of the army on Hounslow-Heath, the prince elector palatine paid the general a visit.

† A vote afterwards passed, that the place the King be desired to come to should be London; and his children, in the absence of the earl of Northumberland, were removed into the city, and committed to the care of the lord-mayor and sheriffs.

order of the twentieth, for putting all the land-forces Ann. 1647. in the pay of the parliament under the command of Sir Thomas Fairfax, did not extend to give him any power over the train-bands or garrisons; that the committee of safety † should grant commissions to all such commanders of horse, foot, and dragoons, as they should think fit for the service and safety of the King, kingdom, parliament, and city; that the commanders of the city-militia should be enabled to punish such as did not repair to their colors; and that the master, wardens, and assistants of the Trinity-house should arm all the mariners and seamen they could get. The committee made choice of major-general Massey to command in chief; and passed an order, that all reformadoes and other officers should the next day make their appearance in St. James's field, there to be listed, and the forces already listed to be formed into regiments.

WHILST the Presbyterians were enjoying a short-lived triumph in the capital, the army drew nearer and nearer; and the inhabitants of Southwark (who, having petitioned to be put under a separate command, had been assaulted, and several of them wounded and killed by Massey § and his company)

† This committee of safety was appointed on the occasion, and composed of the eleven impeached members, and others as zealously affected to the cause. Sir William Waller, and Pointz, who had now got out of his imprisonment, were employed as commanding officers of these new levies. *Remonstrance of the Army.*

§ Petitioners who at the same time carried up a petition that means might be used for a composition, shared the same fate.

opened

Ann. 1647. opened their gates to a detached party of the army, under major Rainborough. The citizens, who, on the receipt of any intelligence that the army halted, had made the streets resound with the cry of "One and all, one and all," and on a contrary intelligence had cried as loud, "Treat, treat," were quite subdued by this defection. The common-council wrote to the general, that understanding by a declaration he had published, that the army's intent was only to restore the seceding members to their places in parliament, the city was ready to concur with him in that design. The general returned answer, That they should yield to desert the impeached members, call in their declaration newly published *, relinquish their militia, deliver up all their forts and line of communication, together with the Tower of London, and all its magazines; that they should disband their forces, turn the reformadoes out of the line, withdraw their guards from the parliament, receive such guards of horse and foot within the line as he should appoint, demolish their works, and suffer the whole army to march without interruption through the city. Humiliating as were these demands, they were instantly submitted to, and punctually performed †; and

* This was a declaration they had set forth against the army, in which they had charged them with being the authors of the present confusions.

† The city magistrates sent a committee of aldermen and council to congratulate the general on his arrival in London; they gave orders to prepare for him a present of a bason and an ewer of gold, to the value of above one thousand pounds; and invited him and his officers to a splendid entertainment at the Guildhall. These forced compliments were

to the honor of the army, though they marched in triumph through the city, they preserved both order and decency, and carried the appearance of humility instead of insult*.

THE two speakers, with the rest of the seceding members, were in great pomp conducted by the army to Westminster, and resumed their seats in both houses; who now proceeded to resolutions satisfactory to the army. Every measure they had taken was ratified in form: Sir Thomas Fairfax was appointed constable of the Tower, with a power to name his deputy; was declared generalissimo, with a power to place or displace what officers he thought proper; to annihilate the London militia; and to appoint what guards he pleased to the parliament. He was invited by this assembly to come and receive the thanks of both houses; a committee of parliament was enjoined to enquire for and find out the persons concerned in the late tumults; the promoters, framers, or contrivers of the engagement and association declared against by the two houses on the twenty-fourth of July last; and that they should examine who had

The seceding members resume their places in both houses.

The parliament repeal their proceedings against the army.

were refused with the disdain they deserved; the general returning to them a short reply, that the settlement of the nation demanded his whole time and attention.

* Clarendon says, That whilst the army had lain quartered at Brentford, Hounslow, Twickenham, and the adjacent villages about London, they had neither restrained provisions from being carried into the town, nor done the least action which might disoblige or displease the city; for the army was under so excellent a discipline, that nobody could complain they had sustained any damage or provocation, either in word or deed.

raised

Ann. 1647. raised or acted, or endeavored to raise any force in maintenance of the said engagement and association. All reformed officers and soldiers were ordered to depart, and not to come within twenty miles of London. An order was passed, That the twelfth of August should be a day of thanksgiving to God, for restoring the members of both houses to their just privileges without the effusion of blood; and that a gratuity of a month's pay should be given to the non-commissioned officers and soldiers for this great service *.—The Lords, more forward than the Commons in the court now paid to the army, proposed, That the two houses should pass their approbation on a long declaration which had been set forth by the army and the seceding Lords and Commons; that all the acts done from the twenty-sixth of July to the sixth of August should be annulled; that it should be declared, That the parliament was under force from the twenty-sixth of July to the sixth of August; and that the members who assembled at Westminster in the absence of the speaker, should be expelled the parliament, and punished as traitors. The Commons did not immediately assent to these propositions †, and a conference ensued: but the next day, on the speaker's producing a kind of threatening letter from

* Acts of indemnity were passed, and thanks given to the inhabitants of the borough of Southwark and the forces in Hertfordshire and Kent, for joining with Sir Thomas Fairfax's army in preservation of the peace of the parliament, city, and kingdom. *Rushworth*, vol. VII. p. 772.

† The Presbyterians carried the votes for not agreeing but by four or five voices.

Fairfax,

Fairfax, in the nature of a remonstrance, an ordinance Ann. 1647. was passed to such a sense, but with a proviso that no person should be impeached or punished for his or their acting, unless they had been found guilty of contriving, acting, or abetting the force which had been put on the two houses, or did afterwards act upon their forced votes, or were guilty of entering into or promoting the late engagement for bringing the King to the city, upon the terms and conditions expressed in his majesty's letter of the twelfth of May last. On the report of the committee appointed to take under consideration the violence offered to the house on the twenty-sixth of July, Sir John Glynn * and Sir John Maynard, for being active in the late disorders, for promoting a new war and encouraging the riotous petitioners, were discharged from being members of parliament. Sir John Maynard was committed to the Tower, and impeached of high-treason. Sir John Gayre (the lord-mayor), Thomas Cullam (alderman), and one of the sheriffs of London, with three other aldermen, viz. James Bunce, John Langham, and Thomas Adams, were committed to the Tower of London on accusation of high-treason †; and impeachments, for levying war against

* The rest of the impeached members, on their expulsion from the house, had absconded. They were all afterwards impeached of high-treason, except Sir Lewis Dives, who was only accused of high crimes and misdemeanors.

† All the principal actors in the late tumult had the same fate. A declaration was drawn up to exempt those who had not been active, with a proviso, That no members of the house, reduced officers, or delinquents (cavaliers) should receive any benefit by the declaration, if any were found guilty of the tumult. *Rushworth*, vol. VII. p. 828.

Ann. 1647.

the King, parliament, and kingdom, were also voted and carried up against the earls of Suffolk, Middlesex, and Lincoln, with the lords Willoughby of Parham, Hunfdon, Maynard, and Berkley*.

The army
cajole the
King.

Ludlow's
Memoirs.
Berkley's
Memoirs.

THE situation of the King, during this contest between the civil and the military powers, had been very flattering to his hopes: from the first seizure of his person by the army he had been treated with great civility and respect; he was indulged with the company of his children, friends, and attendants; and allowed the celebration of divine service after the manner of the church of England †. The army, in all their addresses to the parliament, had recommended moderation in their dealings to the cavalier faction; and, when the liberties and privileges of the subject were firmly established, a due regard to the King's pretensions. The consequence of this conduct, whether sincere or artificial, was fortunate: it prevented the dreaded coalition between the Scotch and English Presbyterians with the royalists, whom these favorable appearances had so elevated, that Sir John Berkley, with Mr. John Ashburnham, was dispatched from the queen to promote a firm union be-

* These peers, on the Commons not prosecuting their impeachment with any particular charge, were soon after their commitment released. They were again impeached by the Commons, but permitted by the upper house to give security for their appearance. The upper house, on the discharge of these lords from their confinement, passed a declaration, That no peer should hereafter be under restraint upon a general charge.

† The parliament had denied the King's repeated requests for the liberty of these indulgences.

tween

tween the King and the army * ; that is, to engage Ann. 1647.
this body to become subservient to the tyranny it had
subdued. These agents, on their arrival, found both
the general officers and agitators to appearance very
well disposed to an agreement with the King, on
terms of safety to the commonwealth ; proposals were
actually drawn up by commissary-general Ireton, to be
propounded to the parliament, in which the interests
of the Presbyterian, Independent, and even the royal
party, were in some measure comprised †.

THIS favorable return of unexpected fortune was
again lost to the King, by that duplicity of conduct
from which he never varied, and those deep-laid
schemes of which he was himself the only dupe.
The Scotch commissioners (who had sent up several
remonstrances in the name of their countrymen to

* Clarendon gives it as his opinion, and not without good grounds
(the characters of the men, and their aversion to the commanders
of the new-modelled army considered), That it was the strong belief
which prevailed, that the army would restore the King, which induced
Manchester, Lenthall, and the other members who were in the Pres-
byterian interest, to desert the parliament, that thus they might entitle
themselves to a share of the royal favor, by a timely union with the in-
struments of the King's restoration.

† Sir John Berkley tells us, That he was not only permitted to view
these proposals, but even to alter two of the articles in the most mate-
rial points ; and that when he would have altered a third, the matter
of which was the excluding only seven persons, who were not named,
from pardon, and not admitting the cavalier faction to sit in the next
parliament, he was only gently rebuked by Ireton, who answered,
There must be preserved some difference between the state of the con-
queror and the conquered, and that he should be afraid of a parliament
wherein the King's party should have a major voice.

Ann. 1647.

the parliament, for a speedy agreement with the King, on the grounds of the national league and covenant, in which they had expressed great fears for the safety of the King's person, and used many severe expressions against the army) were permitted among others to pay their respects to the royal prisoner. In these interviews there were some advances made for a junction between the Scotch Presbyterians and the English cavaliers; and the grounds of a treaty were actually commenced for another Scotch invasion. The parliament of England had, during their contest with the army, sent a very civil message to the King; wherein they had pressed him so far to countenance their cause as to acknowledge himself under a disagreeable restraint with the army. Thus courted from every quarter, Charles, in his captive state, regarded himself as the umpire of all differences; and, endeavoring to keep on terms with all, he intended to strike in with those who would sacrifice the most to the interest of his prerogatives.—To the army he declared a willingness both to abide with them, and a satisfaction that he was delivered from the restraints the parliament had lain on him: To the parliament he sent word, That he had been carried from Holdenby against his will, and that they were not to give any credit to what he should write whilst under confinement: And to the Scotch commissioners he promised almost every thing they could ask, provided they would commence a new war in his favor.

FULL of such airy projects, and elevated with weak-grounded hopes, the King, when the proposals were

were sent to him by the army, and his concurrence, ^{Ann. 1647.} says Berkley, most humbly and even earnestly desired, talked to the committee who brought them not only haughtily, but with asperity: "He would have nobody suffer for his sake; he had repented him of nothing so much as the signing the bill against the lord Strafford; he would have the church established according to law:" And when it was replied by the committee, that it was enough for them to have waved the point, and they hoped for his majesty, since he had waved the government itself in Scotland, he answered, He hoped God had forgiven him that sin. To a discourse and manner thus unpleasant and ill-timed, the King would often repeat, "You cannot be without me, you will fall to ruin if I sustain you not *." The whole company, with wonder on each countenance, stared on one another, on hearing the King talk after this manner. Sir John Berkley having in vain attempted to attract his notice, stepped up to him, and whispered him in the ear, That he spoke as if he had some secret strength and power; "which, added Sir John, if your majesty hath concealed from

* Sir John Berkley, in his Memoirs, says, That on the King's manifesting to him (Berkley) a great dislike of the army's propositions, he told him, that he should suspect their integrity if they had demanded less favorable terms: It was not likely that men who had through great difficulties and dangers acquired such advantages, should ever sit down with less than was contained in their proposals; and that there never was a crown so near lost so cheaply recovered. This, and other rational discourse of the same kind, had no effect on the King, who insisted, That the army could not subsist without him, and that he did not doubt he should see them very shortly glad to condescend farther. *Berkley's Memoirs*, p. 30.

me,

Ann. 1647. me, I wish you had concealed it from these men too." This admonition occasioned the King to recollect himself so far as to endeavor, when too late, to soften his former discourse; for colonel Rainsborough, who liked as little as any one member of the army the proposed agreement with the King, slipped away before the conference was over, and acquainted his fellow-associates with the harsh treatment their committee had received. Sir John Berkley afterwards obtained a meeting with the superior officers; but on his pressing them to declare what the King had to trust to, should he grant the proposals, they gave him no farther satisfaction than They would offer them to the parliament; and on his question, If the parliament refused them, what would they do then? they bluntly replied, They would not tell.—The plot which was at this time carrying on in the city, to bring the King in with freedom, safety, and honor, and the promises of the Scots, was that imaginary strength on which the King had assumed those airs of superiority in his treaty with the army's committee; and the reason on which he had absolutely insisted, contrary to the earnest desire of his present keepers, on the removing to Richmond, according to the invitation of both houses †.

WHEN the city of London was in a manner in the power of the army, by the success they had met with

† The King was so peremptorily resolved on accepting the parliament's invitation, that he repeatedly asserted, he would endeavor to make it the last action of that man's life, who should go about to hinder him; but when he had prepared all things for his journey, the parliament yielded up the point to the army, and sent him a message requesting him to remain in the quarters of the camp.

at

at Southwark, he received advice, from some of the Ann. 1647. officers who were much in his interest, to write a letter to the general, signifying his reliance on the counsels of the army, and his disapprobation of the tumultuous carriage of the citizens: but the matter being under four different debates before the King would come to a resolution, the commissioners from the city of London, with the full submission of the city, reached Sion-House, the seat of the general's quarters, before the arrival of the King's letter; which coming out of time, and with an ill grace, did not help to reinstate him in the good opinion or affection of the army. The Presbyterians, who still maintained a majority in the lower house, and the Lords, who were almost all of the Presbyterian interest, encouraged by the Scotch commissioners, who continually urged the necessity of a speedy coalition with the King, sent him, with an addition for an act to be passed for abolishing archbishops and bishops, the sale of their lands, and some few alterations in the matter of fines and compositions of delinquents, the same propositions formerly sent to Newcastle; but the King, much dissatisfied that there was no abatement in their demands, refused the articles, and desired a personal treaty with the parliament, on the proposals of the army, which had been now presented in form to both houses *. Ireton, Cromwell,

The King refuses the parliament's proposals.

* The proposals of the army.

First, That there should be biennial parliaments, each of which to sit fourteen days, afterwards to be adjournable and dissolvable by the King: The King, upon advice of the council of state, between the intervals of biennial parliaments, upon extraordinary occasions to call an extraordinary parliament, provided its sitting disturb not the course of biennial elections: Biennial parliaments to appoint committees during their intervals, for such purposes as are by the proposals referred to such

Ann. 1647.

and their partizans in the house, pressed with earnestness the King's desire for a personal treaty; but with-

such committees: That a better rule of proportion may be observed in elections, all counties to be represented in the number of their members competent to their charges: That effectual provision be made for freedom of elections: That there be a liberty of entering dissents in the house of Commons; with provision that no member be censurable for aught said or voted in that house, further than to exclusion from that trust: That the judicial power or final judgment of Lords and Commons be cleared and determined; and that no person so adjudged be pardonable by the King without their consent: That the right and liberty of the Commons of England, as to a due exemption from any proceedings against them by the house of peers without the concurrence of the Commons, be cleared and vindicated: That grand jurymen be chosen in an equal way by the divisions of counties, and not remain at the discretion of an under-sheriff: That the militia, and the power of raising money for the maintenance of what force is deemed sufficient by the two houses, be in the power of the two houses for the space of ten years: None who have been in hostilities against the parliament to be, without the consent of parliament, capable of bearing office in the kingdom, or of a seat in parliament, for the space of five years: The commanders both of the land and sea forces to be now appointed: That a council of state be now appointed, the individuals of which to hold their offices *si bene se gesserint*, for a term of time to be now settled, not exceeding seven years; this council of state to superintend and direct the powers of the land and sea militia, to consult on all foreign negotiations, provided the making of peace and war with foreign states be not without the advice and consent of parliament: That there be a sufficient establishment now provided, to last till two months after the meeting of the first biennial parliament, for the salary of forces both in England and Ireland: That for the space of ten years the great officers of state be nominated by the two houses, or their committees; after that time, they to nominate three, out of which number the King to appoint one: No peers made since the twenty-first day of May 1642, or to be hereafter made, to sit or vote in parliament without the consent of both houses: A confirmation of the ordinances for indemnity, and all declarations and other proceedings against the parliament, or those who have acted by their authority, to be recalled and cancelled: An act for invalidating grants, &c.

out effect. The republicans, who had hitherto re-^{Ann. 1647.}garded them in their interest, began to suspect they had made a private bargain with the King; and joining with the Presbyterians, carried the question clearly against them. The majority of the army, who were greatly enraged at the manner in which the King had treated their proposals, were equally dissatisfied with the carriage of their leaders: They murmured in

&c. under the old great-seal from the time of its conveyance from the parliament, and validating the grants, &c. by the new one: The treaties between England and Scotland to be confirmed: The ordinance for taking away the Court of Wards and Liveries to be confirmed: The cessation with Ireland to be declared void, and the prosecution of the war to be in the Lords and Commons: The coercive power, authority, and jurisdiction of bishops and ecclesiastical courts to be taken away: The repeal of all acts or clauses of acts, enjoining the use of the Common-Prayer, imposing penalties on the neglect of it, the neglect of attending divine service in churches, or for meeting elsewhere for prayer, and other religious duties: The covenant not to be enforced on any: That these things proposed being established, his majesty's person, his queen, and royal issue, be restored to a condition of safety, honor, and freedom, without diminution to their personal rights, or farther limitation to the exercise of the regal power, than according to the particulars foregoing.

The next article in these propositions fixes the number of excepted persons for the English to five, and determines the rate of compositions; the next is for a general pardon; the next, that the liberty of the subject to petition be cleared and vindicated; the others are for the abolishing those arbitrary powers produced by the war, the taking off the excise on the necessaries of life, the abolishing monopolies, the oppressions and encroachments of forest-law, to rectify the inequality of rates, that the stipend of ministers should be settled other than by tithes, for reforming the course of law in matters of right, concerning prisoners for debt, the exacting evidence from near relations in criminal cases, the imposing oaths, the righting and satisfying the kingdom in point of account, provision for payment of arrears to the soldiery, and the public debts and damages of the kingdom.

Ann. 1647. private against them as betrayers of the cause, and in council the agitators complained of the King's being suffered to hold continual cabals with malignants, who flocked about him; asserted, That on his having rejected their proposals, they were no farther engaged to him; that having now the power devolved to them by the decision of the sword, to which all parties had appealed, it behoved them to consult their own safety and the public good; and being convinced, from the experience of all times, that monarchy was inconsistent with the prosperity of the nation, they would use their endeavors to reduce the government of England to the form of a commonwealth.

THESE high proceedings of the army alarmed Fairfax, whose prejudices lay on the side of old forms; Ireton too disliked their pushing forward to the goal of Freedom by other than his direction; and Cromwell (the most corrupt and selfish being that ever disgraced an human form, who had actually made very shameful and dangerous advances to the King*, and who expected to make a good bargain for himself of the implicit faith the army had had of his integrity and inclinations to theirs and the public weal) was like a madman, when he found himself thus on the brink of being disappointed of his interested views.—A general rendezvous, where it was hoped the majority of the army would yet adhere to the

* The garter, with the title of Earl of Essex, and his son to be of the prince of Wales's bed-chamber, were to be the reward of Cromwell's services. Ireton, Cromwell's son-in-law, was at the same time offered the lieutenancy of Ireland.

propofals which had been made to the King, was de- Ann. 1647.
 termined on in a council of war. On the day ap-
 pointed for this meeting, thofe who were fimpl
 honeft to the principles of equal and general Freedom,
 who called themfelves Commonwealth's men, but
 who were in derifion ftiled Levellers *, appeared with
 diftinguifhing marks in their hats †. Cromwell, who
 had had good intelligence of the cabal, attended by

* This is an hackneyed term of reproach, flung out on all occasions
 by the adverfary againft the partizans of Liberty; both with a view
 to throw ridicule on their fystems, as vifionary and impracticable, and
 to engage the felfifh affections of men in the caufe of arbitrary and
 unequal dominion. The levelling plan, according to the infinuations of
 thefe scoffers, never was, nor never can be adopted by men who have
 accurate notions of a ftate of nature, or who are well informed in
 the fcience of government and the laws of fociety; for though the
 juftice and wifdom of God has given equal and impartial privileges to
 the fpecies in general, yet the difference which exifts in the judgment,
 underftanding, fagacity, genius, and induftry of individuals, creates
 fuperiority and inferiority of character, and produces a ftate of de-
 pendance from man to man. To preferve that natural fubordination
 eftablifhed by God himfelf, and to keep that accumulation of property
 and influence which the different qualities of men occafion, from pro-
 ducing tyranny, and infringing the general rights of the fpecies, lies
 the whole art of true and juft policy. All political diftinctions which
 are perfonal, however wifely and impartially diftributed, are mifchie-
 vous in their nature, becaufe they give weight inftead of ballance to
 the preponderating fcale: but hereditary privileges are the mere efta-
 blifhments of felfifhnefs, and attended with the moft destructive con-
 fequences; fince, neceffarily counteracting the laws of Providence,
 the vicious and the foolifh bear rule over the wife and the virtuous, the
 fystem of nature is not regulated but overturned, and thofe are pre-
 pofteroufly placed at the head of fociety, whole qualities often entitle
 them to no other than the moft inferior ftation in it.

† Thefe were papers, on which were the following motto, " Eng-
 land's liberty and foldier's rights."

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several officers whom he had preferred, and who on this account were become his creatures *, rode up to one of the regiments thus signalized, and in a peremptory manner required them to throw aside these symbols. On being refused obedience, he caused several of the ringleaders to be seized by the soldiers with whom he was accompanied, held in the field a council of war, by the authority of which one of these mutineers was immediately shot dead, and the rest committed to close confinement. This act of resolution was so unexpected, that it appalled the discontented troops, who were totally unprepared for the event; they yielded a ready obedience to his commands; and the army being thus dispersed in their quarters, without coming to any resolution contradictory to the judgment of their chiefs, Cromwell went to give an account of his exploits to the parlia-

* "Lieutenant-general Cromwell, says Ludlow, not contenting himself with his part in an equal government, puffed up by his successes to an expectation of greater things, and having driven a bargain with the grandees of the house, either to comply with the King or to settle things in a factious way without him, procured a party to stand by him, in seizing some of those who appeared at the rendezvous in opposition to his designs: for though, when an agreement with the King was carried on by other hands, he could countenance the army in opposition to the parliament, yet now the bargain for sale of the peoples' liberties being carried on by himself, he opposed those who labored to obstruct it, pretending his so doing to be only in order to keep the army in subjection to the parliament, who being very desirous to have this spirit suppressed by any means, not only approved what he had done, but gave him the thanks of the house for it; whereunto, though singly, I, adds Ludlow, gave as loud a No as I could, being fully convinced that he had acted in this manner for no other end but to advance his own passion and power into the room of right and reason." *Ludlow*, p. 86.

ment,

ment, from whom he received the highest enco-^{Ann. 1647.}
miums*.

THE discontent of the army in general had arisen to such a height against the King, and against those whom they on good grounds fancied were in compact with him, that it had obliged Cromwell and others to forbear their former intimacies with his two counsellors and confidants, Sir John Berkley and Mr. Ashburnham. The studied manner in which they endeavored to avoid their conversation, with frequent intimations from all quarters, even from Cromwell himself, that the army had ill designs, and that it was not in his (Cromwell's) power to undertake for the King's security whilst among them, and in particular that he was now abridged of the liberty he had been suffered to enjoy †, occasioned this unfortunate prince to conclude that his life was in imminent danger, and to meditate the means for an immediate escape. The place of refuge at first thought on was London, and that the King should make an unexpected appearance in the house of Lords; but to this it was objected, that the army, being masters of the city and parliament, would undoubtedly seize him there, and, should any blood be shed in his defence, he would be accused of being the author of a new war. To the safe counsel of securing his person by leaving the kingdom, the

* Courage, if, singly of itself, and without being subordinate and assistant to magnanimous purposes, it can justly be ranked among the list of human virtues, was the only one of which Cromwell was possessed.

† According to Ashburnham's account, the King, at least six days before he attempted to escape, was confined within the limits of his house and garden.

King

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King himself objected *; first, because he did not care to leave the army before the Scots and he had come to a conclusion of their treaty, lest they should then, when the separation was effected, stand upon higher terms; secondly, he did not care by such a separation to hazard the hopes he had conceived from the promises made him by the corrupt part of that body, concluding that if the chief officers prevailed at the appointed rendezvous, they would make good their engagements, otherwise they must apply themselves to him for their support and security. After these and several other proposals had been made and objected to, it was at length determined between the King and Mr. Ashburnham, the counsellor in whose judgment the King at this time chiefly confided, that lieutenant-colonel Hammond, an officer of repute in the army and a great friend of Cromwell, should be the man on whose generosity, in this time of peril, he should fling himself for protection. Having secured a relay of horses, Charles, in consequence of this resolution, in the company of Berkley, Ashburnham, and Leg, stole away from the camp in the evening of the eleventh of November; and after meeting with many difficulties in passing through Windsor-Forest, in a dark stormy night, he arrived the next day at Tichfield, an house of the earl of Southampton. From this place Berkley and Ashburnham were dispatched to the isle of Wight, to notify to Hammond (the governor) the King's intention. The unexpected intelligence had such an effect upon Hammond, that he turned pale, and

The King
flies from the
army, and
takes refuge
in the Isle of
Wight.

* The duke of Richmond, the marquis of Ormond, the earl of Lindsay, the lord Capel, and others of this stamp, were the men the King consulted with in this, and all other important businesses.

fell

fell into a fit of trembling, which continued for an hour, exclaiming at times, "Oh, gentlemen, you have undone me, in bringing the King into the island, if at least you have brought him; and if you have not, I pray let him not come; for what between my duty to him, and gratitude for this fresh obligation of confidence, and the discharge of my trust to the army, I shall be confounded." Berkley had sense enough to regard this consternation of Hammond as no good presage, and would have receded from the purpose; but, after much conversation, in which both agents endeavored, though in vain, to bring Hammond to a more particular and explicit declaration than the following, That he did believe the King relied on him as a person of honor and honesty, and therefore he did engage himself to perform whatever could be expected from a person so qualified, Ashburnham yet persisting in the resolution of trusting him, assented to a proposition he had made of carrying him to Tichfield to the King. The King was thunderstruck when he heard from Ashburnham, that his agents, instead of bringing from Hammond a particular promise of protection, as he had required *, had brought the governor himself; he struck his hand upon his breast, and said, "Oh, you have undone me; I am now made fast from stirring!" After some conversation of the same kind between the King and Ashburn-

* A promise was to have been obtained of the governor, that he would not deliver the King or his servants up to the parliament or army, should they require it; and were he not able to defend them, to permit them to shift for themselves.

ham,

Ann. 1647. ham, in which Ashburnham used many passionate lamentations for his precipitate step, and the King determined that it was too late to take other measure than what was now forced upon him, Hammond was introduced; and after a repetition to the King of the same general assurances which had been given to his agents, the whole company sat forward from Tichfield to the Isle of Wight*.

WHEN the news of the King's flight reached the capital, the parliament passed an ordinance, declaring loss of life and confiscation of goods to any who should harbor or conceal his person, without revealing it to the two houses. The dwellings of those who had been the most notorious in the late riots, and the most zealous in their proceedings against the army, were searched. Orders were sent to shut all the ports in the kingdom; and a proclamation was issued for banishing from London, or within the distance of twenty miles, all persons who had borne arms for the King.—The arrival of letters from colonel Hammond determined, on the subject of the King's flight, the hopes and the fears of all parties. It was voted, That the place of his confinement in the Isle of Wight should be Carisbrook-Castle, and all malignants not only to be restrained from coming into his presence, but from remaining in the island.

It has been already mentioned, that Charles, when he retired from the camp, intended in some place

* Hammond had had the precaution to carry Basket, the governor of Cowes-castle with him, and to order a file of musketeers to follow.

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A a a

night,

Ann. 1647. night, in an unsuspected place, he had a meeting with Watſon, the ſcout-maſter-general, who informed him, That the army had now come to a reſolution to bring the King to a trial: That though the officers had appeared ſuperior at the general rendezvous, they were obliged to ſubmit to the ſenſe of the mutineers; for that two-thirds of the army were ſo reſolutely bent againſt an agreement with the King, that they had declared, they would leave nothing unſſayed to bring the whole body to their ſenſe; and if all failed they would make a diviſion, and join with any who would aſſiſt in the deſtruction of their oppoſers: That Cromwell, on a full information that this was the ſenſe of the majority, had lain aſide his former oppoſition; had acknowledged, that the glories of the world had ſo dazzled his eyes that he could not ſee clearly the great works the Lord was doing; had declared his reſolution to humble himſelf, and deſire the prayers of the ſaints, that God would be pleaſed to forgive him his ſelf-ſeeking; had ſent meſſages of comfort to thoſe imprifoned for the late mutiny, deſiring them to be of good cheer, for no harm ſhould befall them, ſince it had pleaſed God to open his eyes: And that with theſe arts, and the aſſiſtance of Hugh Peters (a famous Independent miniſter), he had made a full peace with the party he had offended. Though to this intelligence Watſon had added the two following propoſitions, made by Ireton, on the incident of Berkley's arrival at the camp, firſt, That he ſhould be ſent priſoner to London, and ſecondly, That none ſhould ſpeak with him on pain of death; yet this truſty ſervant, leaving

no means uneffayed which might poffibly affift his Ann. 1647. mafter, fent a meffenger to Cromwell to inform him, That he had particular letters and inftructions to him; but received for anfwer, That Cromwell durft not venture to fee him; and that though he would ferve his majesty as long as he could do it without his own ruin, yet he defired that it might not be expected he fhould perifh for his fake.

BERKLEY loft no time in acquainting the King of his danger; and joined to his intelligence an earneft fupplication, that he would lay afide all fchemes but that for an immediate efcape: yet Charles, not apprehending the peril fo great as represented, determined to wait the confequences of his prefent machinations; and refuming his correffpondence with the two houfes, renewed his offers for a perfonal treaty, and accompanied them with propofals for a peace *.—Notwithftanding the King's former denial,

* The King in thefe propofals refufed to give up epifcopacy, or grant his confent to an alienation of church-lands; becaufe it could not be denied, he faid, it was a fin of the higheft facrilige. He offered to refrain the power of bifhops; to give up the militia during his own reign; to pay the arrears of the army; to give to the parliament the nomination of the great officers of ftate; to take away, for a valuable confideration, the court of Wards and Liveries; to pafs an act of oblivion; and to give his two houfes fatisfaction as to Ireland. As the King's intention in this meffage was only to procure leave to come to London, that he might conveniently confult meafures with and unite parties in his caufe, he wrote word to the earl of Lanerick, That his conduct in this particular, though it might be mifinterpreted, and fo difliked by the Scotch commiffioners, was to procure a perfonal treaty; that he thought it neceffary to tell him, he might affure his fellow-commiffioners, that change of place had not altered his

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the parliament, before his removal from the army, had voted to address him once more on the subject of peace. The propositions drawn up on this occasion were now resumed *; and, on a motion of the Lords, it was resolved to admit the King to a personal treaty, on condition of his giving his assent to four preliminary articles, to be passed into acts: The first concerned securing to the parliament full power over the militia for the space of twenty years, with a right of resuming the same authority whenever they should declare the safety of the kingdom required it †; by the second, the King was required to recall all his declarations and proclamations against the parliament, and acknowledge them to have taken arms for their just and necessary defence; by the third, he was to annul all the acts, and void all the patents of peerage, which had passed the great-seal since it had been conveyed from London by Lyttleton the chancellor; and

mind from what it was when he saw him last. *Burnet's Memoirs*, p. 325.

* The following preamble was annexed to these propositions; viz. "The Lords and Commons assembled in parliament do declare, That the King of England for the time being is bound in justice, and by the duty of his office, to give his assent to all such laws as by the Lords and Commons in parliament assembled shall be adjudged to be for the good of the kingdom, and by them tendered to him for his assent; and, in pursuance thereof, do offer the ensuing propositions to his majesty, to be made laws, for the present settling a well-grounded peace." *Parl. Hist.* vol. XVI. p. 324.

† The council of war had proposed to the parliament to add to this article of the militia, That the Commons may have power to exercise the militia without the Lords, in case the Lords shall not concur. *Rushworth*, vol. VII. p. 863.

by

by the fourth, he was to give the two houses power Ann. 1647. to adjourn when they thought fit.

THE resolution of parliament to renew, on any terms, the offer of agreement with the King, was very disagreeable to the majority of the republicans; both because it disappointed their schemes for a more equal government, and through a well-grounded fear, that was Charles restored to any part of monarchical power, he would by the means of that part not only recover the remainder, but be enabled to gratify his own faction, and revenge himself of the rest. For very different reasons this intended application was opposed, though unsuccessfully yet stiffly, by the Scotch commissioners; who, in a large remonstrance (wherein they affected such regard for the power and prerogatives of the crown, as to fix a ridicule and pass a censure on themselves, for their former opposition *) protested against the four preliminary bills, and insisted upon a personal treaty †. Altercation on each side ensued;

* In one of the several remonstrances the Scotch commissioners sent into the parliament for a personal treaty with the King, they say, That the kingdom of Scotland found their stability and happiness did depend upon the safety and preservation of his majesty's person; that they were resolved no alteration of affairs should separate them from the duty and allegiance they owed his majesty, nor their constant resolution to live in all loyalty and obedience under his government. *Parl. Hist.* vol. XVI. p. 322.

† The printer who printed the declaration of the Scots was committed to prison. On this subject it is proper to observe, the freedom of the press, during these contests, was attacked by every faction when uppermost; and even Sir Thomas Fairfax, the present champion for Liberty civil and ecclesiastical, moved the parliament to take into consideration the means for laying an effectual restraint on the licence generally.

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The King again refuses the parliament's propositions.

but both houses adhering to their resolution, the committee they had appointed to wait on the King was accompanied with the Scotch commissioners *, who delivered to his majesty a public declaration or protestation, on behalf of the kingdom of Scotland, against the propositions of the parliament. They were so successful in the insinuations and promises they made in private, that the ill-fated Charles returned a refusal to the offers of the parliament; and thus rejected the last chance which remained to him for the security and safety of his person.

The King is restrained from his former liberty.

Sir John Berkley had cautioned the King, that an absolute negative would produce so strict a confinement of his person as to render his intended escape impracticable. To this observation Charles assented; yet depended on the success of the shallow expedient of delivering his answer sealed up to the parliament's commissioners. The commissioners sternly and absolutely refused to receive the King's answer sealed; in consequence it was opened: when the contents † were rally taken by individuals to publish reports and opinions to the people.

* The pretensions of the Scots, to interfere in the terms of peace demanded by the parliament on the part of England from the King, were very fully and humorously answered by Henry Martin, a republican, and a man of genius and understanding. *Parl. Hist.* vol. XVII. p. 51, & seq.

† The King in his answer declared, that neither the desire of being freed from the tedious and irksome condition of life he had long suffered, nor the apprehension of any thing which might befall him, should ever prevail on him to consent to any one act till the conditions of the whole peace were concluded; that then he would be ready to give

known, the commissioners abruptly departed; and Hammond, who till this period had indulged the King in the full liberty of going out of and into the castle, and of riding about the island at his pleasure, who had admitted of the repair of his friends and partizans to see him, had been so successful in his expostulations to the parliament as to procure him the attendance of his own servants, now perceiving he had closed with the Scots, in opposition to the interests of England and the security of the Independents, doubled the guards round the castle, barred the gates, sent away Ashburnham, Berkley, Leg, and the rest of his servants from the island, and thus prevented him from every possible means of an escape.

THE receipt of the King's denial put both houses in a flame: the republicans took the opportunity to advance those opinions which had hitherto only transpired in their private councils and conversations. Sir Thomas Wroth, with the following whimsical expression, "That Bedlam was appointed for madmen, and Tophet for Kings," moved, that the person of Charles should be secured in some inland castle, with strong guards; that articles of impeachment should be drawn up against him; and that he should be set aside, and the kingdom settled without him: "Neither, added the passionate member, do I care what form of government you set up, so it be not by Kings give just and reasonable satisfaction in all particulars; for the adjusting of this, he knew no way but a personal treaty, and therefore earnestly desired the two houses to consent to it.

and

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and devils." Commiffary Ireton afferted, that the King by denying the four bills, had denied fafety and protection to his people: fubjection to a fovereign, he obferved, was but a return for protection to the people; that that being denied by the King, fubjection ought to be withheld, and the kingdom fettled without him; it was now expected, after fo long waiting, the parliament fhould fhew its refolution, and not desert thofe valiant men who had engaged for them beyond all poffibility of a retreat, and who would never forfake the parliament unlefs the parliament forfook them. Cromwell, who fpoke laft in the debate, after declaiming fome time on the valor, good affections, and godlinefs of the army, faid, that it was now expected the parliament fhould govern and defend the kingdom by their own power and refolution, and not teach the people any longer to expect fafety and protection from a man whose heart God had hardened: "Thofe men, continued Cromwell, who have defended you from fo many dangers, with the expence of their blood, will defend you herein with fidelity and courage, againft all oppofition. Teach them not, by neglecting your own and the kingdom's fafety, to think themfelves betrayed and left to the rage and malice of an irreconcilable enemy, whom they have fubdued for your fake, and therefore are likely to find his future government of them infupportable, and fuller of revenge than juftice, left defpair (and here Cromwell laid his hand on his fword) indicate to them to feek their fafety by fome other means than adhering to you, who will not ftick to yourfelves: and

and how destructive such a resolution will be to you Ann. 1647.
all, I tremble to think on *."

ON calling the question, it passed in the affirmative, by one hundred and forty-one voices against ninety-two, That the Lords and Commons do declare, that they will make no farther addressees or application to the King. The three following resolutions passed without a division: That no application or addressees be made to the King by any person whatsoever, without the leave of both houses; and that the person or persons who shall make breach of this order, shall incur the penalty of high-treason: That the two houses do declare, that they will receive no more messages from the King; and do enjoin that no person whatsoever do presume to receive or bring any message from the King to either or both houses of parliament: That the members of both houses of the committees of both kingdoms have power to sit and act alone (as formerly the committees of both kingdoms had) for the safety of the kingdom. The Lords passed, with little hesitation, these resolutions; and the Commons farther voted, That colonel Hammond and Sir William Constable, who had been joined with Hammond in the office of guarding the King, be required to remove from their attendance on his per-

Vote of No
more ad-
dresses.

* Cromwell observed to the house, That whilst the King professed with all solemnity that he referred himself wholly to the parliament, and depended only upon their wisdom and counsel for the settlement and composing the distractions of the kingdom, he had at the same time secret treaties with the Scotch commissioners, for destroying the parliament, and embroiling the nation in a new war.

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Declaration
against the
King.
Husbands's
Collections.

son all such as they shall judge improper to be trusted ; and that it be referred to the committee of the revenue what persons are fit and necessary to attend on the King, and which way the expences of his entertainment may be conveniently retrenched. At the same time an ordinance passed for taking away all the first-fruits and tenths payable to the crown, with the discharging the arrears due on that score : and the parliament, to refresh the memory of the public on the provocations and reasons which had excited and urged them to these severities, published a large declaration, in which were narrated all the errors and tyranny of the King's administration ; his conspiracy against the Protestant cause * ; the war he had made on his people, since the spirit of Liberty had raised a successful opposition to his pretensions ; his obstinately rejecting the several propositions for peace which had been at different times offered to him, with the perfidious use he had made of treaties ; his last refusal of giving a necessary security to his people ; and every criminal transaction he had been supposed or known to be engaged in, from the death of his father to the present time †.

Different in-
trigues of the
King.

WHILST matters in parliament were proceeding to such extremities against the King, he found means,

* Among these conspiracies, the declaration noticed the betraying Rochelle into the hands of the French.

† There were several pens drawn to attempt to confute the aspersions thrown on the King in this declaration ; but all the performances on this subject are so poorly executed, that they would rather tend to confirm the King's guilt, than otherwise, in the opinion of a judicious reader.

not-

notwithstanding his close confinement, to carry on a variety of negotiations for the overwhelming on all sides the Independents, when they least expected it *. The Scots, with whom he had concluded a treaty †,

* “ To the lord Capel (says Clarendon, speaking of the time when the King was at Hampton-Court in the quarters of the army) his majesty imparted all his hopes and all his fears, the great overtures the Scots had made him, and that he did really believe it would not be long before there was a war between the two nations; in which the Scots promised themselves an universal concurrence from all the Presbyterians in England; and that in such a conjuncture he wished his own party would put themselves in arms, without which he could not expect great benefit by the success of the other; and therefore desired Capel to watch such a conjuncture, and draw all his friends together. —Many things (adds Clarendon) were at this time adjusted, upon the foresight of future contingencies, which were afterwards thought fit to be executed.” It was the knowledge that the King was carrying on intrigues opposite to the interests of the army, the Independents, and his own protestations, which raised the resentment of the soldiery against him, and which excited them, before his removal, to insist on the dismissal of malignants from attendance on his person; and the forbearance of that indulgence which had been shewn him, in permitting the resort of all parties to his presence. To Cromwell, who procured intelligence from those who were admitted to his nearest confidence, every particular of these transactions was known, and the circumstance of the King’s intriguing with his declared enemies the Scots, occasioned him, among other prevalent reasons, to lay aside the thoughts of rising by court favor.

† The substance of the King’s treaty with the Scots.

The King acknowledged that the intention of the covenanters had been for the preservation of his person and authority: The league and covenant were to be confirmed in a free parliament in both kingdoms; with the proviso, that none who were unwilling should be obliged to take it: The King was to confirm all the acts passed in the last parliament of Scotland: Presbytery, with the Directory for worship, was to be confirmed in England by act of parliament, for three years; with a proviso, that the King and his household should be at liberty to use the

Ann. 1647. were with all possible diligence to raise an army, to assist the King's friends in the recovery of his rights;

form of divine service they had formerly practised: The form of church government and general worship, after the expiration of the three years, and after consultation with the assembly of divines (to which assembly were to be added twenty of the King's nomination) to be determined by the King and his two houses of parliament: That an effectual course should be taken for suppressing every other sect but Presbyterians and Episcopalians: The King was, neither by his authority or knowledge, to make or admit any cessation, pacification, or agreement whatsoever, for peace nor treaty, proposition bills, or any otherways to that end, with the houses of parliament, army, or any party in England and Ireland, without the advice and consent of the kingdom of Scotland: Obligations of the same kind were to be reciprocally binding on the Scots: Upon the settlement of the peace, there was to be an act of oblivion, to be agreed on by the King and the parliaments of both his kingdoms: The King and prince of Wales, when they possibly could with safety and convenience, were to go into Scotland upon the invitation of that kingdom, and their declaration that they should be there in honor, freedom, and safety: The King was to contribute his utmost endeavor to protect and assist the kingdom of Scotland in carrying on the war both by sea and land, &c. and did authorize the Scottish army to possess themselves of Berwick, Carlisle, Newcastle upon Tyne, with the castle of Tinmouth and the town of Hartlepool: The King was to pay the Scots the remainder of the brotherly assistance yet unpaid, and the two hundred thousand pounds due on the last treaty, and engage to the kingdom of Scotland for the payment and expence of their army in the future war, with due recompence for the losses they should therein sustain, and due satisfaction according to the treaty on that behalf between the two kingdoms: To the Scottish army in Ireland the King was to endeavor a complete union of the two kingdoms; and, if that should not be speedily effected, all liberty and privileges concerning commerce, traffic, and manufactures, peculiar to the subjects of either nation, were to be common to both, and a communication and mutual capacity of all other liberties of the subjects of the two kingdoms: A competent number of ships was to be assigned out of his majesty's English navy for the yearly guard of the coasts of Scotland; and his majesty

the most violent of the Presbyterians had promised Ann. 1647. their countenance and support; the cavaliers were to keep themselves in readiness to rise on the first favorable opportunity; assurances were given of large suc-

majesty was to declare his successors, as well as himself, obliged to the performance of the articles and conditions of this agreement: The King was to engage himself to employ his Scotch subjects equally with his English in all foreign employments and negotiations: That a third part of all the offices and places about the King, queen, and prince, should be conferred upon Scotchmen; and that the King and prince, or one of them, should frequently reside in Scotland. The Scots, in return, did engage themselves to assist the right of the crown to the power of the militia, the great-seal, the bestowing honors and offices of trust, the choice of the privy-counsellors, the King's negative voice in parliament, and that the queen, the prince, and the rest of the royal issue, ought to remain where his majesty should think fit in either of his three kingdoms: The King was to protect all his subjects in the kingdom of England and Ireland who did join with the Scots in pursuance of this agreement, and the Scots were to admit all such subjects for the prosecution of these ends.

Clarendon tells us, That this treaty (a treason almost as heinous and as destructive to the honor and interests of the English as that the King had made with the Irish rebels) he was induced to sign by the same vicious logic which tainted all his councils; viz. that it was not to be observed farther than it served the present turn; for when the armies which were to be raised for the King in England had joined with the Scots, they would not have power to exact these particulars, for every body would then be obliged to submit to what his majesty should think fit to be done. The same author shrewdly observes on the treaty, That it contained so many monstrous concessions, that, except the whole kingdom of England had been imprisoned with the King in Carisbrook-Castle, it could not be imagined it could ever have been performed. The King prevailed with the Scotch commissioners to give way to his inserting in the treaty a declaration, That by the clause of confirming Presbyterian government he was not obliged to desire the settling it, nor to present any bills to that effect. *Clar. Hist.* vol. III. p. 78, & seq.

Ann. 1647.

cors from abroad; and a correspondence was carried on with the lord Inchiquin, in consequence of whose undertaking the marquis of Ormond was to return into Ireland, and put himself at the head of the cavalier and Popish factions; the latter of which, being displeased with the ruinous and tyrannical proceedings of the nuncio, had now promised to put themselves under his command.

C H A P. VI.

Second civil war.—Invasion of the Scots.—The parliament repeal their proceedings against the King.—Treaty with the King renewed.—The civil war and invasion suppressed.—The King seized again by the army.—Their remonstrance against him.—Resolutions of the parliament in his favor, and against the proceedings of the army.—The lower house purged.—The King's trial, execution, and character.—Arguments on the subject of the King's execution.

THE vote of No more addresses had to appearance entirely cured those jealousies, which, to the terror of every patriot citizen, had so long subsisted between the civil and the military powers. The same views and interests seemed to unite in a close junction the parliament with the army, who presented to both houses a declaration, in which they avowed their resolution to adhere to them in their proceedings against the King, and in the settling and securing the kingdom without him *. The army were perfectly

* After the vote of Non-addresses had passed the upper house, the army declared a resolution to preserve the peerage of the kingdom, with

sincere in these their professions ; but the parliament, Ann. 1648. the majority of which were yet of the Presbyterian faction, only dissembled their sentiments till a fit opportunity offered to avenge themselves of a party whose principles they hated, and with whose measures they had very unwillingly co-operated. Whilst the impatient public shewed themselves willing to forfeit the reward of their toils, and return to their old state of bondage, rather than longer endure the temporary expence of supporting the military establishment, the parliament artfully heightened that impatience, by withstanding the necessary supplies ; and notwithstanding the repeated remonstrances made by the soldiers, on the necessity they were laid under to grieve and enrage the country, by living on free-quarter ; notwithstanding all the assurances given them on this subject by the two houses ; notwithstanding all the ordinances passed both for their constant support, and payment of their arrears ; the public treasure was diverted to other purposes, and the army left to shift for themselves. When murmurs and preparations from all quarters threatened new commotions, the parliament insisted on the decreasing the military force, by disbanding supernumeraries ; a command which was complied with by Sir Thomas Fairfax, but with this caution, that the supernumeraries on this occasion disbanded were the greater part of them those who belonged to the old army, and whose officers were in the interest of the adverse faction.

with the just rights belonging to the house of Peers. To appease the jealousy of the Lords, the Commons had made several such declarations. *Parl. Hist.*

Whilst

Ann. 1648.

Whilst the parliament was thus secretly conspiring against the only body who were inclined or able to preserve their authority, combinations, which visibly tended to the restoring without terms the royal authority, were forming in every part of the three kingdoms.

SECURE and happy as was the present situation of the Scots, their commissioners, who had concluded the forementioned treaty with the King on the presumption only that it would meet with the approbation of their countrymen, found on their return a large party, who, excited by pique, malice, prejudice, and covetousness, were willing to endanger their present happy establishment, and to embark a second time in all the uncertainties of war, for the restoration of that power they had so largely contributed to destroy. The faction now formed in favor of the King, of whom the duke of Hamilton (who had obtained his liberty on the surrender of Pendennis-castle to the English parliament) was chief, caballed so successfully as to procure, notwithstanding the opposition of the marquis of Argyll, a parliament to be summoned. To this assembly all the shallow arguments diffused through the tedious remonstrances of the Scotch commissioners to the parliament of England, were urged as grounds for entering into the King's quarrel; viz. That he was kept by an army of sectaries in constraint and subjection; that every thing was carried in England as these sectaries pleased; that, contrary to the tenor of the covenant between the two nations, the English parliament had refused to consult with the Scotch commissioners, about the propositions sent to the King for peace; that they had
in

in reality deposed the King, by stripping him of all Ann. 1648: his prerogatives, and by voting no more addrestes to him; that they had hindered the Scots from having access to his person, though he was as much King of Scotland as King of England; and that Scotland ought to resent this affront, as a manifest breach of their rights, and the covenant between the two kingdoms. The parliament were moreover assured by their commissioners, that no sooner would Scotch troops enter England than all the English, except the army, would join them; and thus the government, being restored to freedom, would again unite with Scotland, and the covenant be punctually observed. Though nothing urged by the King's friends on this occasion had any connection with the peace, security, and freedom the Scots at this time enjoyed, and that their proposal of engaging against England (on the grounds of preserving the King's authority) manifestly tended to the utter destruction of these blessings, yet the forementioned arguments had such weight with the parliament, that, according to a motion of the royalists, a committee of twenty-four members was empowered to provide for the safety of the kingdom. This committee, who were almost all of the faction, and of whom the duke of Hamilton was president, on examining the state of the kingdom, found it to be so desperate as to necessitate the raising an army of forty thousand men, and the calling over the forces who were engaged against the Irish Papists under Monroe.

THE faction, notwithstanding they had carried matters thus triumphantly in parliament, found an oppo-

Ann. 1648.

fition in the kingdom, which tho' it did not prevent, yet it so far retarded their motions, as to preserve the country from that ruin in which their destructive projects, had they succeeded, must necessarily have involved it. The unnatural conjunction of episcopalians with Presbyterians, liberty-men and cavaliers (for the Scotch and English malignants were very active on this occasion), not only startled, but was regarded with horror by all those who had a just value for their present security, or had any regard for civil or religious principle. It is true, the bigots of the nation would have ventured largely for establishing Presbyterian discipline in all the three kingdoms; but, for obtaining this purpose, to unite their forces to its inveterate enemies was such a glaring contradiction, were means so opposite to the end, that the pretence of defending the covenant by the assistance of Papists, royalists, and prelatists *, could not impose on any man who had engaged from conscientious motives in the former opposition to the crown. Eighteen Lords and forty other members of parliament entered their protest against the determinations of the committee; the commissioners of the general assembly remonstrated strongly against the intended armament, as designed for the destruction of the covenant, which it pretended to defend; and a committee of the English parliament, who had been sent down on the first rumors of what was going forward in Scotland, played their part so well in foment-

* Sir Thomas Glenham, Sir Philip Musgrave, Sir Marmaduke Langdale, and many others of the most notorious of the cavalier faction, had flocked to Edinburgh, to engage with the intended armament of that country.

ing

ing the divisions of the country, that the levy of Ann. 1648. forces went on slowly and with great difficulty.

WHILST the King's friends in Scotland were making all possible dispatch in their preparations for the invasion of England, his party in this country, impatient at the delay, raised in every part of the kingdom tumults, conspiracies, and insurrections. Langhorn, Poyer, and Powell, three Presbyterian officers, who commanded bodies of troops in Wales, encouraged by the promise of a considerable supply of money and ammunition from the queen, gathered together a large company of mutinous disbanded soldiers, and declared for the King. In the North, Langdale and Musgrave seized on the towns of Berwick and Carlisle; and, to confound the hopes, and dismay (if possible) the courage of the Independents, a part of the fleet, instigated by their late commander, Batten, whom the Independents had displaced, and put Rainborough (a man of great repute with that party) in his room, set their new admiral on shore, and sailing over to Holland, submitted first to the command of the duke of York, who had escaped from St. James's, and then to the prince of Wales, who came from Paris for that purpose. In Kent, by the persuasion of one Roger Lestrange *, a man of a Quixotte genius and a flowery elocution, an idle party put themselves under the command of young Hales, a stripling without expe-

Second civil war.

* Lestrange, in the first civil war, had been apprehended for a design to betray Lynn in Norfolk to the King, and had with difficulty escaped a sentence of death.

Ann. 1648. rience or weight ; but were afterwards joined by the staunch cavaliers under the earl of Norwich, father to the lord Goring. Lord Capel, Sir Charles Lucas, Sir George Lisle, excited commotions in Essex ; and the earl of Holland, who ever had changed sides according to the probability of success, collected forces in Surry. Encouraged by these appearances, the individuals of profligate manners of the vulgar rank, who, by the rigid authority of the government, had been constrained to preserve a decency of conduct, flocked together in the metropolis, and in other capital towns ; and when, contrary to the laws, they repaired to their sports and drunken recreations on the Lord's day, they set upon the magistrates who would have put a stop to their licentious revels, and repeatedly exclaiming, " For God and King Charles," broke out into such outrageous tumults, that, in London, Sir Thomas Fairfax himself was obliged to make head against them.

WHILST the army was in every quarter of the kingdom engaged in a vigorous defence of themselves and country, and the lower house was well thinned of the Independent members, who were employed in their military occupations, the Presbyterians in parliament, seizing on the favorable opportunity, reassumed their old project of establishing their tyranny by a junction with the crown. The city had, encouraged by the distance of their military masters, petitioned for the restoration of their authority over the city militia ; that their imprisoned magistrates

gistrates and fellow-citizens might be set at liberty; Ann. 1648. and for a personal treaty with the King *. All these requests of the city were no sooner made than granted. By the same influence, orders which had been given Skippon to raise levies, for the preservation of the public peace, were countermanded; the eleven impeached members were recalled †; the votes of Non-addresses were repealed; and the Commons in a declaration protested, That they would not alter the fundamental government of the kingdom by King, Lords, and Commons; that they were resolved to preserve and maintain the solemn league and covenant between the two kingdoms of England and Scotland; and that they would be ready to join the Scots in the propositions agreed upon between the two kingdoms, and presented to his majesty at Hampton-Court ‡. In consequence of these resolutions, five peers and ten commoners were sent as commissioners to Newport, in the Isle of Wight, to renew the treaty with the King, who was freed from the close restraint he had been under for some months, and, with very few exceptions, allowed to summons and advise on this important transaction with his old friends and counsellors.—Had this strong ray of re-

The parliament repeal their proceedings against the King.

Treaty with the King renewed.

* Petitions now poured in from all quarters, for a personal treaty and speedy agreement with the King.

† Part of the charge sent up by the army against the eleven members was, That they had caballed with the queen for the raising a second civil war, and had invited the Scots and other foreign forces to invade the kingdom. *Parl. Hist.* vol. XVI. p. 74.

‡ The Presbyterian interest was at this time so strong in the lower house, that these votes were carried without any division.

turning

Ann. 1648. turning fortune not intoxicated the cavaliers to a degree which excites both laughter and contempt, the army, brave and veteran as they were, would have found it a difficult matter to overcome the united force of almost the whole nation: But this doating faction made such open discoveries of the malignancy of their designs, that the Presbyterians were, to a clear demonstration, convinced their intention was to restore the King without terms, and to ruin both the Presbyterian and Independent interests: "Restore the King to his due honor and just rights, according to the oaths of supremacy and allegiance, that he may forthwith be established in the throne, according to the splendor of his ancestors; conduct him to Westminster with honor and safety; disband all armies with speed;" were the style of the petitions presented by the cavaliers on this critical occasion; and presented too with an arrogance of manner, if possible, superior to the unreasonableness of their demands*.

THE parliament, dismayed with the view of their own danger, should the avowed intentions of the royalists take place, shrunk back from their former forwardness †; and the city kept themselves quiet,

* Whitlock says, That the countrymen who carried this petition up to the house, being almost drunk, abused the guards, and asked them, Why they stood there to guard a parcel of rogues? that both sides growing warm, the countrymen fell upon the guards, and killed and wounded several before the assistance of more soldiers could be had. *Whitlock's Memorials.*

† Several ordinances were at this time passed, for the incapacitating any who had borne arms against the parliament for serving in
any

nor engaged with any of the insurgents *, who, not Ann. 1648. having observed concert in their several insurrections, were in a short time, with little difficulty, subdued. The revolted troops in Wales, having been attacked and defeated by colonel Horton, threw themselves into Pembroke-Castle, where they were closely besieged and taken by Cromwell: Langdale and Musgrave, in the North, were opposed with success by Lambert: at Kingston the earl of Holland was defeated and taken prisoner by Sir Michael Livesey †: at Maidstone lord Fairfax ‡ routed the Kentish men;

any public office, and for the banishing malignants and Papists to the distance of twenty miles from the capital. The cavaliers were detected in the private listing of soldiers, and in raising horse and arms in and about London. *Rushworth*, vol. VII. p. 1174.

* After the royalists had plainly manifested their hopes and intentions, a petition was presented to the parliament by the citizens, wherein they expressed their dislike to the insurrections which had been raised, and desired the parliament to adhere to their vow and covenant, the constant tenor of their former declarations, and not recede from their first and just principles, viz. The safety of themselves and those who adhered to them, the reformation and preservation of religion, and the maintenance and defence of laws and liberties. *Parl. Hist.* vol. XVII. p. 297.

† With the earl of Holland had engaged the duke of Buckingham, and his brother lord Francis Villiers. On account of the tender age of the duke of Buckingham, the parliament generously offered him an indemnification, on condition of his surrendering himself, and engaging never again to take up arms against them: The duke refused the favor, and made his escape to Holland. His brother, who had braved the soldiers, and had refused to surrender, was killed on the field of battle. *Parl. Hist.* vol. XVII. p. 333.

‡ Sir Thomas Fairfax had, by the death of his father, attained to the title of Lord Fairfax.

and

Ann. 1648. and pursuing the broken troops, forced them and the Essex insurgents to shut themselves up in the town of Colchester; to which place, as his troops were very inferior in number to the enemy, he laid a formal siege. To humor the sailors, the earl of Warwick was replaced in his old command; a new fleet was manned; and the prince of Wales, after a fruitless attempt upon Yarmouth, and lying some time in the river Thames, braving the city of London, and taking several of their rich merchant ships, was obliged to retire to Holland*. To this coast he was pursued by the earl of Warwick, whose fidelity he had in vain attempted; and the States having intimated that they should not think themselves obliged to defend his ships, were they demanded by the English parliament, he gave up his naval command to prince Rupert †, who sailed with the fleet to Ireland.

Clar. Hist.
vol. III.
p. 123.

Invasion of
the Scots.

DURING these numerous transactions, the duke of Hamilton, the prime mover of the engagement which had taken place in Scotland in favor of the King, entered England with an army of twenty thousand men ‡: but such mistrust had the cavaliers from their

* The Independents, on these exploits of the prince of Wales, had made in the lower house an unsuccessful motion for declaring him a rebel and a traitor to the commonwealth. *Parl. Hist.* vol. XVII. p. 385.

† On the surrender of Oxford, the princes Rupert and Maurice were included by the general in the benefit of its capitulation; but were afterwards commanded by the Commons to leave the kingdom. *Parl. Hist.* vol. XIII. p. 473.

‡ Lesley, cajoled with the title of lord Newark, had resigned his pretensions to the duke of Hamilton. Clarendon says, he had no mind to venture his honor against English, unless assisted by English.

impru-

imprudence incurred, that he durst not unite his forces Ann. 1648. with those under the command of Sir Marmaduke Langdale *. Lambert, who had received particular orders from Cromwell not to engage with the Scots till he came up, retiring before these invaders, joined the lieutenant-general. When the junction had taken place, the army under Cromwell did not amount to more than eight thousand men; but as this valiant commander had entertained, in an high degree, both contempt and aversion † for the Scots, he hurried to the place of action as to a scene of certain victory. The cavaliers under Langdale, who lay detached from the Scotch army, were attacked by Lambert, and, making a stout resistance, were many of them cut off; the rest were pursued into the Scotch quarters. The Scots, who lay dispersed in a negligent manner, were an easy prey: without making any considerable defence, they were almost all taken prisoners, and the general, being pursued to Utoxeter, surrendered himself to colonel Waight, who had lately gained a victory over some forces which had been raised in the shires of Huntingdon and Cambridge. Cromwell, to complete his

* The strong remonstrances of the church, and the influence of the marquis of Argyll, had obliged the Scotch parliament to pass an order, that those who had not taken, or did refuse to take the covenant, should not be received into their army, nor joined with on their entrance into England.

† In a meeting of the Scotch commissioners with Hollis and other Presbyterian members, at the house of the earl of Essex, it had been proposed to impeach Cromwell, for acting the part of an incendiary between the two kingdoms; and the Scots, after their second coming into England, had particularly objected to his commanding a party which were to be sent into the northern counties.

Ann. 1648.

work, marched without loss of time into Scotland, where, being joined by Argyll and the Kirk faction, he procured the surrender of Berwick and Carlisle, which the Scots on their entering England had taken possession of, obliged Lanerick and Monroe to lay down their arms, and subjected the whole party to the power of their adversaries *.—The royalists shut up in Colchester, in hopes that they should be relieved by a victorious army of Scots, had undergone almost the utmost extremities of famine; and, on account of this obstinacy, they were required by Sir Thomas Fairfax to surrender at mercy. The officers would have persuaded the common soldiers, whom they had drawn into the scrape †, to attempt the breaking through, or to sell their lives a dear purchase: but these men, to

* The following were the conditions submitted to by the King's party: That both the armies should be disbanded: That a parliament should be called to sit before the twentieth of January: That the settling of religion be referred to the determination of the general assembly, and all civil questions to the determination of parliament: That a new committee of estates be appointed, to consist only of such members as protested in parliament against the late engagement; and in case any of the forces under Monroe should continue in arms, then the said committee should raise forces to suppress the same: That none who had been accessory to the late engagement should be challenged to take away their lives or estates, &c. provided they did declare under their hands-writing, to the lord chancellor or president of the committee of estates, that they accepted of and submitted to the present engagement: That all persons taken in war, since the second of August, should be released.

† Sir Charles Lucas and the rest of the commanding officers had, with much importunity, prevailed on the common soldiers not to accept of terms of indemnity, offered by the parliament in the beginning of the insurrection.

whom

whom Fairfax had promised pardon, not only refused Ann. 1648. the acting such a piece of gallantry, but threatened to open the gates to the enemy if their commanders did not surrender. The terms insisted on by Fairfax were in this necessity submitted to; and the humane general, though he had been provoked by many irritating circumstances in the conduct of the besieged, only selected the two chief commanders, Sir Charles Lucas and Sir George Lisle, both of them implacable malignants, as a sacrifice to military justice*.

THOUGH the vote to renew addresses to the King had passed the lower house on the twenty-fourth of May, yet, by the arts of the Independents, whose numbers and assiduity could puzzle though they could not lead the debates, it was the twenty-eighth of July before the conditions of the treaty were settled, and the eighteenth of September before it commenced: a delay which had given the army time so entirely Civil war and invasion suppressed, to subdue the King's partizans, that Cromwell had defeated the duke of Hamilton, and Fairfax had reduced Colchester, before conferences began †. Cir-

* The engaging the kingdom a second time in war, and making another deluge of blood, was regarded by the Independents as an unpardonable crime; they had always recommended the treating the first delinquency with mildness.

† It is told us by a journalist of these times, That, among the arts used by the Independents to protract concluding the treaty, the speaker complained to the house, that his health necessitated his confinement for some time under a course of physic; that on this pretence the Independents, in a thin house, carried the vote for an adjournment for six days; but the Presbyterians perceiving their enemy's drift by desire of the Lords, revoked the vote of adjournment. *Mercurius Pragmaticus.*

Ann. 1648.

cumstances thus critical, it was imagined, would have induced the King to suspend the exercise of argument, and to have joined the parliament on any terms. It was with a view to accelerate a business, on the dispatch of which the fate of the party and the King's life depended, that the commissioners absolutely refused to permit his train of counsellors to be present, or to enter into reasoning with any but himself. This prudent caution was without effect; every minute article of the offered conditions was canvassed, and the argument for two whole months as pertinaciously sustained by the King, as if the matter on which consequences so tremendous depended had been a warfare of wit, and mere trial of skill: here the *jus divinum* of episcopacy was smartly attacked by the parliamentary theologians, and, with the same arguments as are constantly urged by the divines on that side the question, obstinately defended by the King; who, on the point of religion, would not gratify the parliament with the alienation of church-lands, or with a farther establishment of the present church government than its continuation for three years *. The utter extirpation

* The King assented, on the article of religion, to the taking away archbishops, chancellors, commissaries, and all other subordinate ecclesiastical officers; to confirm the present form of government for the term of three years, and to suspend the exercise of episcopal government, and the power of ordination in bishops, till the King and the two houses could agree concerning the point of church-government.

On the authority of the following anecdote, it is observable, that either the King's religious scruples in regard to the church were feigned, or the concessions now drawn from him entirely against the dictates of his conscience. During the King's residence with the army, when he was indulged with the attendance of his chaplains, to Dr. Sheldon (whom he used as his confessor) he shewed a paper, containing

of episcopacy, and the setting up their own idol in Ann. 1648.] its stead, was the superior consideration for which, it is plain, the Presbyterians had entered into the hazard of war: This was the chief cause of their quarrel with their old associates, the Independents; and the not being fully gratified on this article by the King, was, in their eyes, losing the best fruits of their success *. In vain did Charles assent to the recalling his proclamations and declarations against the parliament, and to the acknowledging they had taken arms in their own defence; that they should retain, during the term of twenty years, the whole power of the militia, with a right of resuming it afterwards, when they should declare it necessary for the public safety; that all the great officers, during twenty years, should be filled by parliament; that all the acts under their great seal should be valid, and those under his own annulled; that the entire government of Ireland, and the conduct of the war there, should be in both

taining several vows which he had covenanted with God to perform: One was, to do public penance for the sentence he had suffered to pass on Strafford, and the injuries he had done to the church of England; another was, that were he ever established in his throne, he would give back to the church all those impropriations held by the crown; what lands he (the King) did or ought to enjoy, which had been taken away either from any episcopal see, cathedral or collegiate church, abbey, or other religious house; and that he would hereafter hold them from the church, under such reasonable fines and rents as should be set by conscientious persons. *Perinchiefs Life of Charles the First.*

* Several individuals of the Independents and Presbyterians had bought large properties in the church-lands, and were, from motives of interest, equally dissatisfied with the King's refusing his assent to their alienation.

houses;

Ann. 1648.

houses; that the power of the Wards should be given up, in lieu of one hundred thousand pounds a year*; and that no peers should be hereafter created by him, without consent of Lords and Commons †. The parliament's commissioners, with earnestness and even tears, assured the King, that all his concessions would be useless, unless he gave up the point of episcopacy: he absolutely refused farther yielding on this article, and the parliament voted his concessions unsatisfactory ‡.

FORTY days had been assigned by the parliament for the continuation of the treaty §; in the hope of

* Mr. Blackiston, an Independent member, made a fruitless motion against granting the King an allowance in lieu of the Wards. That court, he said, was first intended for the good of orphans, though it had proved their ruin and destruction; that the custom of wardships was not meant that kings should make a prey of them and a revenue to themselves, but that they should take care of the estates and education of orphans; that since what was devised for a remedy had by long experience appeared the bane of the fatherless, it was unreasonable of the King to expect a recompence for abolishing what was never intended to be, though through corruption of time it had been made, a part of his revenues. *Parl. Hist.* vol. XVIII. p. 124. & seq.

† The public debts were to be paid by new taxes on the people.

‡ The Commons voted the King's concessions unsatisfactory in the articles of religion, of delinquents (he refusing that any should be excepted from pardon), and of Ireland (he refusing to declare against the proceedings of the marquis of Ormond). It is to be supposed, that the Presbyterians, had the King entirely gratified them on the subject of religion, would have been satisfied with his concessions on the other articles.

§ Sundays and feast-days were excepted out of the forty days allotted to the treaty. *Parl. Hist.* vol. XVIII. p. 85.

conquering

conquering the King's obstinacy, it had been at three different times prolonged, and had already lasted near two months, when the army, who were now collected together, after their victorious campaign, took an effectual measure to prevent any farther proceedings.

A remonstrance, the result of a council of war which had been called at Windsor by the lord Fairfax, was presented, in the name of the whole army, to the Commons*, whilst in the midst of an eager debate on the business of peace; and was accompanied with a letter from the general, who recommended it as a matter of the highest importance, both to the army and the whole kingdom. It demanded justice on the King for the evils he had brought on a people, whom, by the laws of religion, morality, and nations, he was bound to protect. It argued, that as in the late quarrel both sides had appealed to God for judgment, *that* righteous judgment had given it against the King. It accused the parliament of vice and weakness in their counsels; and that their unsettled conduct, in repealing their just determinations, had filled the wicked with vain hopes, and distracted the giddy multitude, to the renewing scenes of blood, and to the raising dangers to the army and kingdom, which nothing but the invincible courage of the former could have overcome. It exposed the insidious conduct of the enemies to the public weal, the credulousness of the Commons in being led into their snares, the eagerness of the Lords to forward mischievous counsels, and their backwardness in closing with measures cal-

Remonstrance
of the army
against the
King.

* It was presented by colonel Ewer, attended by several officers.

culated

Ann. 1648 culated for the defence of the kingdom. It argued, that breach of trust in a governor, or attempting by force to enlarge a limited power, did effectually dissolve subjects from every bond of covenant and peace; and that the crimes the King had acted against his people were the highest treason against the highest law among men. It shewed, that the King's hardness of heart, in never acknowledging his offences, rendered him an unfit object for pity, mercy, and pardon. It asked, What fruits could be hoped for from a reunion of such contrarieties as principles or affections of liberty with principles of tyranny, principles of public interest with principles of prerogative and particular interest, principles of zeal and the power of godliness with principles of formality and superstition? It challenged the parliament to shew one instance when the readmitting a prince, whom his people had opposed and subdued, to the regal office, state, and revenue, with the least shadow of power, ever proved safe, either to the public interest in contest, or to the persons engaged in contest. It shewed, that whilst the King and his party openly complained of his want of freedom in the transaction of a treaty, they laid grounds for rescinding, with a plausible color of reason, every concession the parliament in that condition had extorted from him; that though, since the King had been worsted by the parliament, he had been necessitated to have recourse to peace, yet, with the credulous people, he would come in with the reputation of having long graciously sought it; that he would come in with the reputation of having granted, for peace-sake, all that the parliament
(who,

(who, it would be said, were unwilling to have peace) Ann. 1648.
had rigidly stood on *.

* He, it would be said, farther proceeds the remonstrance, was the only true father to his people, whilst the parliament had proved their cruel foster-fathers; he the restorer of their beloved peace, ease, and freedom, which the parliament had cheated them of so long; he the restorer of their trade and plenty, which the parliament had thus long obstructed; he, as a conqueror in suffering and patience, a denier of himself for the good of his people, who would not only be lulled and cheated into a security of any apprehension of evil from him, but possessed with expectations of good, and their jealousies only awakened against the parliament and their adherents. The parliament, if they acted as honest men, must heighten this prejudice into perfect hatred, by continuing taxes and impositions for the maintenance of a sufficient force to secure the safety and interest of the people; otherwise the King, supported by a numerous party, who, from interest and necessity, were engaged in his cause, might renew the quarrel with greater advantage than ever, and the people, wearied with the former war, would let him have every thing he demanded, rather than renew the contest, even to the sacrificing of those who had formerly opposed him.—But, continues the remonstrance, if, to secure that little advantage to public interest which in the present way you have gained, you continue a sufficient strength, and therewith taxes and impositions to maintain it, it must naturally produce jealousies and heart-burnings; which to foment and inflame to the height, and thereby to sweeten and endear the King with the people, will be his and the cavaliers surest play; and otherwise, to sit that while, if they have but patience, as still as lambs. How colorable and plausible will it be for them to suggest, and how apt for the people to receive, that the King is no way to be blamed for any such burthens; he, good man, has yielded to every thing, and done what he could to prevent them; he does not give his consent to them, the parliament does it without him; he is bound up and excluded from his wonted negative voice, otherwise he would refuse and hinder them; these hardships it is not in his power to help, he can only pity his people, who may now see what they gain by parliaments, and how much it is their common prejudice to have their King excluded from his negative voice, and the parliament free to proceed in any particular without

Ann. 1648.

THE Independents, from all quarters and in all

him. Thus easily may the people be deluded into a resentment of that which is the King's interest, as if it was their own; and if they be once heightened into a resolved with-holding of payments for the maintenance of that necessary strength you keep for the common safety and peace, you must either give the King his end, in dissolving your forces, or use such ways of power and rigor towards the people, as will enrage them higher against you, and endear and engage them more to the King and his interest, colorably in point of their liberties then, as well as their ease before; until at last the people, joining with and being headed by the King and his party, will force you either to give up all, or to make a war against the poor deceived people for that which is really their own cause: and the King by the people, as it were for their proper liberties and safety, may make war against you, to the erecting his own, and the overthrow of the common interest. What you contend for are the general, fundamental, and perpetual liberties of the public; for the preservation of which you will be forced to press upon the people in particular matters, against their present ease and freedoms; and the people being ordinarily more affected with the latter, as more immediate and sensible, and less with the former, which are more remote and to them less intelligible, the King, closing with them under pretence of the latter, which they can feel, may easily engage them to the prejudice of the former, which they can hardly discern, and be wrought to gain back for him whatever he has granted, without his appearing to make any breach for his own interest. Upon this single ground many nations, by like accommodations with their beaten tyrants, have, from the fairest attempts and hopes of Liberty, fallen to an utter loss of it, and been made the instruments of their own absolute bondage.—We might also farther reflect upon the advantages of the King's numerous party, engaged by humor, interest, and necessity, to serve him; a party embittered and enraged, but not disabled or discouraged from farther attempts against you. We might mention their great families and relations, their influences within the kingdom; and we might enlarge upon the consideration of the two other kingdoms he hath to work by, from which we have found such powerful parties ready to support his interest; whilst he, by a supposed impunity, hath encouragement to make all possible trial of them: but this being once confuted, by
an

departments, encouraged by the multiplied suc- Ann. 1648.

an example of justice upon him for such attempts, they would not then be, in divine considerations, at all to be feared, or, in prudential considerations, not so much, in relation to his posterity's heading of them.—Besides these, we cannot but consider much more the vast possibilities, after his restitution, to make parties, factions, and divisions amongst yourselves and your now-adherents; and to set one against another, to make one betray another, so by one to ruin another; and, by making use of all interests, to set up his own above all. Have you not found him at this play all along? and do not all men acknowledge him most exquisite at it? If he has had the faculty to avail much in this kind when at a distance from you, will he not much more when so near you, amongst you, in your bosoms and councils? For divisions, we speak it with depth of sadness, he needs not come to make any amongst you, but to use them; they abound woefully already; and for his opportunities of advantage by them, they are great beyond conception. First, from the jealousies which each party is apt to have of the others strengthening themselves, to the prejudice of the other, by conjunction with him and his; and which he and his creatures have a faculty to feed in each of them, it is more than probable that each party will be apt to strive which shall most and first comply with him: Have not you and we seen sad experiences of this already? Give us leave to be more affectionately sensible of this, as having had some experience of temptations towards it amongst ourselves: We say temptations towards it from the King and his party, as strong and subtle as are imaginable, though we bless God, by whom we were preserved in our integrity, and not given up to, but delivered from, such wretched apostacy. And we can truly say, that although (through the example of others, partly necessitating us for the present prevention of that mischief to the public they were running into in that kind, as we apprehended) we were drawn into some negative compliances, tending to moderation, which we thought to be, and in its place is, a real good; yet first, we never sought, but were sought unto; and notwithstanding all overtures and temptations, we did abhor the thought of, and still professedly refused any thing of conjunction with him or his, in relation to the affairs of that time, or aught of private contract or trust with them.

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cesses of the army, had preceded this remonstrance with numerous petitions of the like nature and ten-

After the remonstrance had thus plainly and clearly shewn the dangers attending the admitting an enraged, designing, and experienced prince to any degree or appearance of power, it demanded, that the King should be brought to justice, as the capital cause of all the evil the kingdom had suffered, and of all the blood which had been shed; that a timely and peremptory day should be set for the prince of Wales and the duke of York to surrender themselves, under penalty of being declared incapable of government, or of having any right in England, and being exiled as traitors; that the revenue of the crown should be sequestered; that public justice should be done upon the chief causers or actors in the war; that the rest, upon submission, should have mercy for their lives; that the soldiers should have their arrears; that those who had ventured their lives, and laid out their estates for the public, should be paid out of the fines of delinquents, and the estates of those secluded from pardon; that a certain period should be put to the parliament, when they had finished the business of public justice; that there should be a certain succession of future parliaments, annual or biennial, with secure provision for the certainty of meeting, for equal distribution of elections, and that none who had engaged in the late wars, or should engage against the right of parliament and kingdom, or adhere to its enemies, or should oppose this settlement, should be capable of election, on being elected for some years; that it should be declared, that the representatives have the supreme power of government, provided they may not question any man, after the end of this parliament, for any thing said or done in reference to the late war; that they may not render up, give, or take away any right, liberty, or safety contained in this settlement or agreement; that there should be a liberty of entering dissents in the said representative, in case of corruption in these highest trusts, that the people, discerning who are free and who guilty, may not trust such for the future; and that no King be hereafter admitted but upon election, and as upon trust from the people, by such their representative, nor without first disclaiming and disavowing all pretence to a negative voice against the determination of the said representative, or Commons in parliament. These general heads propounded to be done by this parliament, the remonstrance said, were to be farther established by a general contract or agreement with the people,

dency *; and the different bodies of the army had Ann. 1648. addressed their general officers on the same subject. As the parliament (who were yet in hopes of conquering the King's obstinacy, and, by an agreement with him, of uniting all parties in defence of the present government, against the Independents) had forborne to give answer to these petitions, or to the remonstrance of the army, Hammond, who had refused obedience in the article of delivering up the King, was commanded to attend the general at the headquarters †; Colonel Ewer was sent down, with or- The King seized again by the army. ders to keep the King in strict custody; and, in a few days afterwards, he was conveyed to the garrison of Hurst castle, in the neighbourhood of the island ‡.

people, with a proviso that none should be capable of benefit by them who did not consent and subscribe to the agreement; and that no King should be admitted to the crown, or other individual to any office of public trust, without express accord and subscription to the same.

* In these petitions it was demanded, that kings, queens, princes, dukes, earls, lords, and all persons alike, should be liable to the law of the land. The designing to subject them to equal judgment, was a great offence to the aristocratic party: It was on such grounds only that the Independents were termed Levellers; since, in the same petitions in which they make these just demands, they insist on the security of property.

In these petitions, the Commons had been desired to declare themselves the supreme authority of the nation. *Rushworth*, vol. VII. p. 1257. *Parl. Hist.* vol. XVII. p. 451, & seq.

† Colonel Hammond, persisting in the resolution to observe strictly the orders of the parliament in the disposal of the King, was kept under confinement at the head-quarters, till the army had secured his person.

‡ It has been asserted, by some of Charles's admirers and panegyrists, That when the army's designs against his life grew obvious,
 he

Ann. 1648.
Resolutions of
the parlia-
ment in favor
of the King,
and against
the proceed-
ings of the
army.

THE Presbyterians were intoxicated with rage on the intelligence of these violent transactions; and, assuming courage from despair, set aside in parliament the remonstrance of the army, without deigning to answer it; voted the seizing the King's person to be

he was exhorted by his friends to make his escape, but refused on a nice point of honor, having given his word to the parliament not to attempt an evasion during the treaty, nor three weeks afterwards. This, had it been true, would have been very inconsistent with the constant tenor of the King's past conduct, and a very refined delicacy; since, as the parliament could no longer afford him protection from violence (a circumstance understood in the engagement), it could no longer be binding; and the King was so far from regarding himself tied up by his parole in this particular, that, before matters had come to this extremity, he wrote six pressing letters to Sir William Hopkins on the business of forwarding his escape; and in these letters says, That the great concessions he had made on the articles of the church, militia, and Ireland, were to facilitate the means of an escape. Indeed the King, at this time, was so far from entertaining the nice notions of honor ascribed to him, that, according to his wonted duplicity, he shewed the parliament's commissioners for the treaty a dispatch he had made to the marquis of Ormond, requiring him to desist from any farther proceedings with the Irish Papists, but took care to send him preceding private instructions to obey all the queen's commands, and not to obey any of his (the King's) public commands, until he sent him word that he was free from restraint; not to be startled at his great concessions concerning Ireland, for that they would come to nothing; and that though he (Ormond) should hear that his treaty with the parliament was near a conclusion, yet not to believe it, but to pursue former instructions with all vigor: and tho' these private letters are dated the tenth and twenty-eighth of October, 1648, he declared to the parliament's commissioners, on the first of November, That, since the votes had passed the two houses in the beginning of August, he had not transacted any affairs concerning Ireland but with them, the parliament's commissioners. *Appendix to the third edition of Wagstaffe's Vindication of Charles the First, the Martyr, proving that his majesty was the author of Eikon Basilike, printed at London in 1711, in quarto. Appendix to Carte's second volume of his Life of James, duke of Ormond.*

without

without the consent of parliament ; sent a message to Ann. 1648. the general, to know by what authority that enterprise was executed ; and issued orders that the army should not approach the capital. The army, in return, published a declaration, in which they charged the parliament with a treacherous and corrupt neglect of, and apostacy from, the public trust, reposed in them ; and the general, after writing to the city, that, for the prevention of all violence, they should advance him forty thousand pounds, marched several regiments to London, and quartered them in Whitehall, the Meuse, St. James's, Durham-House, Covent-Garden, and Palace-Yard. The parliament, though surrounded by the army, and destitute of all means of defence, attempted to close with the King ; and, in contradiction to their former votes that his concessions were not satisfactory, voted that they were a foundation for the houses to proceed on in the settlement of the kingdom *. Additional regiments were now arrived, and filled the suburbs of London. The general by his own authority, set forth a proclamation, requiring all delinquents who remained in the town, on pretence of finishing the business of their compositions, to depart to the distance of ten miles for a month, on

* The debates on this subject had been carried on, and ended with such warmth, that the Independents taxed the Presbyterians with deserting the common cause and interest of the nation, and publicly declared they would no longer join in council with them. Ludlow, the same author from whom we have this account, tells us, That the seclusion of the Presbyterian members was determined on in a meeting between the leading members of the lower house, who were of the Independent party, and the leading officers of the army. *Ludlow*, p. 104.

Ann. 1648. pain of being proceeded against as prisoners of war; and as the citizens had not paid in the money demanded of them, he sent three regiments into the city, took out of Weavers-Hall the sum of twenty thousand pounds, and assigned the reimbursement upon the arrears due to the army.

The lower
house purged.

THE next day after the vote passed to proceed on the concessions of the King in the settlement of the kingdom, the Commons, found their house blockaded by two regiments of horse, commanded by colonel Pride. Colonel Pride, directed by the lord Grey of Groby, seized in the passage forty of the most obnoxious members of the Presbyterian party, and sent them under confinement to the court of Wards. The Commons still proved refractory, and instead of proceeding on the business recommended to them by the army, demanded the restoration of their members. By way of answer to this demand, colonel Whaley and colonel Axtel, at the bar of the house, presented, in the name of the general and his council of officers, a paper, in which was proposed, that the impeached members and major-general Browne (who, it was believed, had had a hand in calling in the Scots *) should be secured and brought

* The following is the account given by Ludlow of Browne: "Colonel Browne, the woodmonger, being nominated by the parliament to be one of their commissioners sent down to the Scotch army when the King was at Newcastle, he turned about to me, who sat behind him in the house, and assured me that he would be ever true to us; and truly I then believed him, having met him at Smithfield, in the beginning of the war, buying horses for the service of the parliament, where he spoke very affectionately of their undertaking, and
served

to justice; and that the ninety-one members who refused to vote against the Scottish engagement, and all who voted for the recalling the four votes of Non-addresses, who voted for a treaty, and who concurred in the votes that the King's concessions were a ground for a settlement, should be immediately suspended the house. Several of the members against whom these proposals were pointed, moved, That the officers who presented them should be declared traitors, and the army itself impeached of high-treason. These motions of a few desperate madmen passed unregarded by the house; and a committee was again sent to the general, to expostulate with him concerning the secluded members: But the general refused to give any answer till he had received the resolutions of the house on the proposals he had sent them.—As the Commons still withheld the demanded satisfaction, the same rough expedient was repeated; and, the very day after the first force was committed, the ninety-one members in question were, with equal violence, secluded the house.

CROMWELL, who, on his return from Scotland, had lain siege to Pontefract-Castle in Yorkshire, to chastise in person the garrison, both for the perfidy they had acted

served them very successfully, especially at Abingdon. But this wretched man soon discovered the corruption of his nature, and the malignity which lay concealed in his heart; for no sooner had the King cast some slight favors on him, such as the giving him a pair of silk stockings with his own hand, but his low and abject original and education became so prevalent as to transform him into an agent and spy for the King, proving, as will be hereafter related, one of the most bloody butchers of the parliament's friends."

Ann. 1648. in getting possession of the place, and for a base murder they had committed on the valiant Rainsborough *,

* A party of forty horse sallied out of Pontefract-Castle, and passing with the guards for friends, three of them entered the town of Doncaster, where, under pretence of bringing letters from lieutenant-general Cromwell, they were directed to colonel Rainsborough's lodgings. On the same pretence, they, unmolested, went up to the apartment where he slept; and the colonel, who expected that very morning the dispatches they pretended to have brought, opened his door to them, when the assassins assaulted and killed him, and afterwards escaped without any alarm given.

Clarendon, who, to his eternal infamy, applauds every circumstance of the foul unmanly deed, in a tedious narration, to which is annexed many improbable romantic circumstances, tells the story as if the assassins had only designed to take colonel Rainsborough prisoner, and that his death was occasioned by the defence he made. But on many accounts it is apparent, that the truth is in this, as in many other parts of his History, quite against him. Colonel Rainsborough had, by his republican spirit and zeal for bringing the King to justice, provoked to the utmost the rancor of the cavaliers. He had been so eminent a ringleader in forwarding the late attempts of that party in the army who were termed Levellers, that he had only escaped the severe censure of both houses by making his peace with the general officers of the army; and it was not without great difficulty that the Lords could be brought to assent that Rainsborough, who, they said, deserved death for his seditious rebellious conduct, should be appointed to command in the marine service. Immediately after the council of war, on the King's retreat to the Isle of Wight, had resolved to bring him to trial, and before this resolution was publicly avowed, Rainsborough laid aside the coronet-device which he had carried when he first served in the war, and took up the following; viz. The head of the King in profile, decollated, and streaming as just stricken off by an arm holding an ax: above the head are placed, by way of motto, the well-known words of that celebrated republican Marcus Tullius Cicero (who vouched the truth of them with his blood), "*Salus populi suprema lex esto.*" By the favor of a friend, in the permission of examining an original manuscript, in folio, of coronet-devices borne during the civil war on the King's and
par-

on intelligence of what was doing and designed by Ann. 1648. the army, left this task to Lambert, the major-general; and hastening to that busy scene of action, the capital, took his seat in the house, on the day immediately succeeding the second force; an incident which in derision was commonly called Pride's purge. Cromwell received the hearty thanks of the Commons *, who reversed their former vote, and again

parliament's side, I came to the knowledge of this anecdote; an anecdote which of itself sufficiently accounts for the malice borne Rainsborough by the cavaliers; who had before, in the high-road between London and St. Alban's, attempted his life.

Colonel Morrice, the governor of Pontefract-Castle, and those who had an immediate hand in the murder of colonel Rainsborough, being excepted persons, made their escape before the garrison surrendered; but Morrice, a profligate individual, who had formerly borne arms for the parliament, who was turned out of their army on account of the licentiousness of his manners, and who had gotten possession of the castle for the King by an infamous act of treachery against a trusting friend, with one cornet Blackbourne, who had had a hand in the fore-mentioned murder, were, in the year 1649, taken at Lancaster, and afterwards arraigned for treason before baron Thorpe and judge Puleston; by whom, for the crime of levying war against the kingdom, and other foul matters proved against them, they were condemned to die. Though the crimes for which Morrice was tried were fully sufficient to provoke the vengeance of God and his country, yet Clarendon, that narrator of judgments, gravely remarks, That poor Morrice was taken in Lancashire, and happened to be put to death in the same place where he had committed a fault against the King, and first performed a great service for the parliament. *Clar. Hist.* vol. III. p. 149.

* The Commons had returned their thanks to lord Fairfax, and had passed an ordinance for settling on him and his heirs lands to the value of four thousand pounds a year. A letter of thanks had been sent to Cromwell, whilst in Scotland, for his good services in that kingdom. *Parl. Hist.*

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declared the King's concessions unsatisfactory, determined that no member who had been absent when this vote passed should be received till he subscribed it, and repealed every vote which had been made in favor of the King and his party, declaring it high-treason for any person to make application on his behalf to either house: They also repealed the vote for restoring the impeached members. Sir William Waller, Sir John Clotworthy, Maffey, Brown, Copley, and others of the Presbyterian faction, were, by orders of the general and his council of war, committed to prison; yet the Presbyterians retained spirit enough to publish, in the name of the secluded members, a narrative of the violence put upon them, with a protestation that all acts from that time transacted by the Commons were legally void*. The Commons declared this publication to be false, scandalous, and seditious,

* Amongst the secluded members was the famous Prynne, who had signalized himself for his sufferings and acrimonious opposition to the power of prelates. He now published a virulently-penned protestation, in his own name, against the proceedings of the army. Prynne had made a speech in the house, to persuade them the King's concessions were sufficient grounds for a treaty: it contains a complete narrative of all the transactions between the King, the houses, and the army, from the beginning of the parliament; it takes up above one hundred and forty octavo pages, and kept the house so long together, that the debates on the question, Whether the King's concessions were a ground, &c. lasted from Monday morning till nine o'clock on Tuesday morning.

Prynne afterwards, on being questioned concerning a pamphlet he had written against the proceedings of the house, denied its authority, and was taken into custody; but not being thought of sufficient consequence to violate, on his particular, the freedom of the subject, was granted the benefit of the Habeas Corpus.

tending

tending to the destruction of the visible and fundamental government of the kingdom, and resolved that all persons who had had any hand in framing or publishing it should be incapable to bear office, or to sit as members of either house.—The Lords, who, before this turn of affairs, had been very forward in pressing for a personal treaty with the King, and for a conjunction with the Scots, and had been a great means to accelerate the last treaty in the isle of Wight *, were now as forward to approve and confirm the opposite measures of the army †. They assented to all which had been transacted in the lower-house; and both houses passed an ordinance, that no person who had been delinquents, or had assisted the King against the parliament in the first or second civil war, or had been aiding in bringing in the Scotch army, or had subscribed to the treasonable engagement in 1647, or had abetted the late tumults within the cities of London and Westminster, or the adjacent counties, should be elected, or give their voice for the electing the lord mayor or other officers ‡. To the committee charged

* It was with great difficulty the Lords could be brought to insist on the alienation of church-lands, and other points which the King refused to give up. The Commons had voted, To insist on the King's signing three bills formerly sent him, and then to admit him to a personal treaty; but, by the persuasion of the Lords, they gave up this point.

† Ludlow says, That the Lords, who had avoided to declare the Scots enemies whilst their army was entire, after their defeat prevented the house of Commons, and moved that a day might be appointed to give God thanks for the success. *Ludlow*, p. 101.

‡ The city in vain petitioned the Commons for the repeal of this ordinance, on the pretence that, if it should be put in force, so great

was

Ann. 1648. with the care of this ordinance it was recommended, to consider of taking away the oaths of allegiance and supremacy, enforced upon the subject before they could be made free of the city.

DURING these transactions, the council of officers were deeply engaged in considering a scheme of government, called "The Agreement of the People." It contained, with many additions, the substance of those demands which, in the name of the army, had been presented to the house by colonel Ewer. It was the darling plan of the soldiery: for this they had threatened to divide from their officers; and for this, when it crossed his private views, the agitators, by the influence of Cromwell, had suffered*.

PETITIONS now daily poured in from the gar-risons and other parts, for speedy and effectual justice on all delinquents. Even the county of Somerset, which had distinguished itself for its attachment to the King, presented a petition desiring that justice

was the number of those who came within its censure, that there would not be left persons sufficient to fill the necessary offices. Ordinances that none who had borne arms against the parliament should bear offices, or vote in elections, had passed before. *Parl. Hist.* vol. XVIII. p. 480. *Rushworth*, vol. VII. p. 807, 831, 1376.

* This agreement of the people had been recommended to the Commons in several petitions from the Independents, and was stigmatized by that house as destructive to the being of parliaments, and to the fundamental government of the kingdom. The Independents still persisting in the presenting petitions on the same subject, several of those who carried them up were committed to prison; and an ordinance passed, That no person who had contrived, abetted, persuaded, or

might be done on the chief delinquents *. The county Ann. 1648. of Norfolk, yet more explicit, requested that justice should be done on the King. Pursuant to the demands of these petitions, and the repeated requests of the army, the Commons appointed a committee of thirty-eight to draw up a charge against the King. On their report, a vote passed, declaring it treason in a King to levy war against his parliament; and a special commission was appointed to try the delinquent monarch on these grounds. The declarative vote and ordinance for the King's trial, were rejected by the Lords without a negative voice; but, on the fond hope that by an evasive conduct they should obstruct the career of proceedings, they forbore to send down their determinations to the Commons, and adjourned for ten days. The Commons, jealous of their intentions, ordered their journals to be examined; when, on finding the ordinance utterly rejected, they voted, That all members of the house of Commons, and others appointed by order of that house, or any ordinance wherein the Lords are joined, are impowered to sit and execute in the said several committees of themselves, notwithstanding the house of peers refuse to join with them; and the names of six Lords who had

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or entered into that engagement entitled "The Agreement of the People," should be elected into the mayoralty of the city of London, or any other subordinate office in the said city, or should have any voice in the election of the officers for the space of one whole year.

* The Presbyterians, in their propositions, had indulged the King with the exception of seven only of his party from mercy; but to this ill-deserved lenity the Independents in the house had made great objections. *Parl. Hist.* vol. XVIII. p. 85.

been

Ann. 1648. been appointed of the special commission were left out.—Nor was this all the resentment the Commons expressed at the non-compliance of the Lords in this capital point, nor of the high and uncontrollable capacity in which they acted as the elected representatives of the people. By the following votes they abolished the negative voice of King and Lords, and established a principle, which, though obviously founded in truth, has ever been obstinately denied by authority: “Resolved, That the people, under God, are the origin of all just power. Resolved, That the Commons of England assembled in parliament, being chosen by and representing the people, have the supreme authority of the nation. Resolved, That whatever is enacted and declared law by the Commons of England assembled in parliament hath the force of law, and all the people are included therein, although the consent and concurrence of the King and house of Peers be not had thereunto.”

DURING the preparative measures to bring the King to a trial, he, by direction of the army, was removed from Hurst-Castle to Windsor *: by the same

* In the King's remove to Windsor, a design was laid for his escape, by means of shifting his horse for a fleet one of the earl of Newburgh, at whose house he dined; but, by the vigilance of major-general Harrison, who commanded the party which guarded the King, it was prevented. The same vigilance, attended with the same success, in Hammond, and in Rolph, the officer immediately under him in command, was so resented by Charles's partizans, that one Osborne, who had been won over by his careffes, and who was detected in contriving the means of his escape, accused Rolph, and by insinuation the governor Hammond, with a design to poison him.

Though

same authority every symbol of royalty was withdrawn, and it was commanded that he should be served by his attendants without ceremony. Even in this alarming situation, he was little apprehensive of his approaching fate; still retained the opinion of his importance; never suffered himself to believe it possible, that his enemies would venture to proceed to a public trial and execution; and in his conversation was so imprudent as to declare, before his guards, that he expected deliverance by a foreign power.

FROM the second of January to the nineteenth of the same month the terms of the important trial had been adjusting. The special commission was composed of the prime officers of the army, several members of the lower house, and several citizens of London: It consisted of one hundred and thirty-three

Though the charge was regarded as a very malicious one by all but the bigots of the royal party, and though the King himself acknowledged, That, as touching the preservation of his person from poison, or any other design against his life, he was so confident of the honesty and faithfulness of the governor, that he thought himself as safe in his hands as if he was in the custody of his own son, yet the Lords appearing very forward in the business, Osborne was discharged from the custody to which he had been committed for endeavoring the King's escape, and left at large to prosecute Rolph, who was sent to the Gatehouse, and against whom an impeachment was ordered to be drawn. The matter was afterwards referred to the proper court, and Rolph was acquitted by a jury of his peers, a circumstance which offended highly the bigoted royalists; and in particular that fiery partizan, the earl of Clarendon, who, both on this occasion, and on the hanging of one Burley for the beating up a drum to arms to attempt the King's rescue, reflects very bitterly on parliament, judge, and jury.

Ann. 1648.

persons *, and was nominated the High-Court of Justice. Bradshaw, a lawyer of note, was by his fellow commissioners elected president; Coke was appointed solicitor for the people; Dorislaus Steele and Ask, assistants to the court; Westminster Hall was fitted up for their sitting; and the ceremony with which the whole transaction was conducted, corresponded in pomp and dignity to the singular, the great occasion: A sovereign prince brought before the tribunal of his own subjects, and tried by their delegates for his misgovernment and breach of trust. Dendy, the serjeant at arms to the house of Commons, by beat of drum and sound of trumpet, had, in the Palace-Yard, at the Old-Exchange, and in Cheap-side, proclaimed to the people the time when the commissioners of the high-court of justice commenced their sitting; and that all those who had any thing to say against the King would be heard.

The King's
trial, execu-
tion, and
character.

ON the twentieth of January, the commissioners proceeded in state from the Painted Chamber to Westminster-Hall. Colonel Humphry carried the sword before the president, serjeant Dendy the mace, and twenty gentlemen (commanded by colonel Fox) attended as his guard of partizans. The royal prisoner, who, for the purpose of his trial, had been removed from Windsor to St. James's, was by a strong guard of musqueteers conveyed by water to West-

* Though there were one hundred nominated to the high commission, there was not above fifty odd who had courage enough to engage personally in the daring office.

minster.

minster Hall. A chair of crimson velvet was prepared for him within the bar, and thirty officers and gentlemen waited with halberts behind it. The solicitor of the Commons, in his charge against the King, represented, That Charles Stewart, being admitted King of England, and entrusted with a limited power, had, with the wicked design to erect an unlimited and tyrannical government, traitorously and maliciously levied war against the people and their representatives: That, on the behalf of the people, he did, for this treasonable breach of trust, impeach him as a tyrant, a traitor, a murderer, and a public and implacable enemy to the commonwealth. Ann. 1648.

ON the conclusion of the charge, the King demanded by what authority he was brought before that court *? He told the commissioners to remember he was their King, their lawful King, and to beware of the sins with which they were going to stain themselves and the land. He was answered by the president, that he was tried in the name and authority of the parliament assembled, and the good people of England. Charles objected, That both King and house of Lords were necessary to constitute a parliament: He had a trust, he said, committed to him by God, by old and lawful descent; and he would not betray it to answer to a new and unlawful authority: He again bade the commissioners remember he was their

* Ludlow says, That the King interrupted the clerk whilst he was reading, and exclaimed, "I am not entrusted by my people; they are mine by inheritance." *Ludlow*, p. 107.

Ann. 1648. hereditary sovereign; and that the whole authority of the state, when free and united, was not entitled to try him, who derived his dignity from the supreme majesty of heaven: That, admitting those extravagant principles which place the origin of power in the people, the court could plead no authority delegated by the people, unless the consent of every individual, down to the meanest, the most ignorant peasant, had been previously asked and obtained*: There was no jurisdiction on earth could try a King: The authority of obedience to Kings was clearly warranted and strictly commanded both in the Old and New Testaments: This, if denied, he was ready instantly to prove; "Where the word of a King was there was power, and who might say unto him, what dost thou?" He owned, he said, he was entrusted; a sacred trust had been committed to him by God, the liberties of his people, which he would not betray by recognizing a power founded on violence and usurpation: He had taken arms, and frequently exposed his life, in defence of public liberty, in defence of the constitution, in defence of the fundamental laws of the kingdom, and was now willing to seal with his blood those precious rights for which he had so long in vain contended. To the King's extravagant assertion, that he had taken up arms to defend the liberty of the constitution, and that he now pleaded for the rights and freedom of all his subjects, the president

* This argument is mere sophistry; since the sense of the people, in their collective capacity, never can come to any determined conclusive point, unless the sense of the majority is binding to the whole.

returned,

returned, "How great a friend, Sir, you have been Ann. 1648. to the laws and liberties of the people, let all England and the world judge: Your actions have sufficiently declared it, and your meaning has been written in bloody characters throughout the kingdom." The court was reminded by the prisoner, that the laws of England determined the King could do no wrong; however, he was able, he said, by the most satisfactory reasons, to justify his conduct; but must forego the apology of his innocence, lest, by ratifying an authority no better founded than that of robbers and pirates, he should be justly branded as the betrayer, instead of applauded as the martyr, of the constitution.

THREE several days the King was produced before the court, and as often urged to answer to his charge. The fourth, on his constantly persisting to decline its jurisdiction, the commissioners, after having examined witnesses *, by whom it was proved that the King had

* One of these witnesses gave an evidence of the King's want of sincerity in his last treaty with the parliament, at Newport, in the Isle of Wight. The witness, Henry Goode, deposed, That having access to and discourse with the King at Newport, he told him, that, since his majesty had justified the parliament's taking up arms, he did not question but the Presbyterian party would stick close to him; that to this the King had replied, he would have all his old friends know, that, though for the present he was contented to give the parliament leave to call their own war what they pleased, yet he neither did then, nor should decline the justice of his own cause. Moreover, upon the deponent's saying his majesty's business was much retarded through want of commissions, the King made answer, That being upon a treaty, he would not dishonor himself; but if the deponent would go over to the prince his son, who had full authority from him,

Ann. 1648. appeared in arms against his people, proceeded to pronounce sentence against him. Before the passing sentence, Charles earnestly desired to be admitted to a conference with the two houses: he had something to propose, he said, which he was sure would be for the welfare of the kingdom and the liberty of the subject. It was supposed that he intended to offer to resign the crown to his son; and some of the commissioners pressed that he might be heard. This was not the opinion of the majority; and the commissioners returning from the court of Wards, where they had adjourned to consult on the King's proposal, acquainted the prisoner, that his request was considered as a delay of justice. The president passed sentence of death, by severing the head from the body; and all the members of the court stood up in token of approbation.

AN example of justice, from which they had ever regarded their rank to be totally exempt, awakened in every sovereign prince a sense of horror and indignation; whilst political reasons, of a different nature, inclined them to endeavor to prevent the change of government in England. The French court was now sincere in their interposition for favor to the King; and the Dutch employed very earnest intercessions for the preservation of his life. All solicitations were found vain. The Scots fruitlessly exclaimed

him, he or any for him should receive whatever commissions they should desire. *Rushworth*, vol. VII. p. 1413.

and

and protested; the prince wrote an ineffectual letter Ann. 1648. to the army, and the queen to the parliament. Three days only were allowed the King between his sentence and his execution *. This interval he passed in reading and devotion; and preserved, from the time when his intended fate was known to him, to his last moment, a perfect tranquillity and composure; nor can his bitterest enemies deny, that in his conduct, under the dreadful apprehension of a violent death were united the magnanimity of heroism and the patience of martyrdom.

To mark to the gaping multitude the triumph of popular justice over royal rank, the scaffold for execution was erected before the palace at Whitehall; care was taken that it should be sufficiently surrounded with soldiers, to prevent disorder or interruption; and the King, finding himself shut out from the hearing of the people, addressed a speech to colonel Tomlinson, the commander of the guard, in which he attempted to justify his innocence in the war he had levied, termed it defensive, accused the parliament of having first enlisted forces †, and averred that he had

* Clement Walker, a petulant writer of the Presbyterian party, in his History of Independency, has propagated the following calumny on the parliament and army: That they lodged the King in an apartment at Whitehall, so near the destined place of execution, that his retirement and even rest were disturbed with the noise of the workmen employed in framing the scaffold; whereas, in fact, the King remained at St. James's till the very morning of his execution, when he walked across the Park, and from thence was carried in a coach to Whitehall.

† See, on this subject, vol. III. of this History, p. 273, & seq.

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no other object in his military operations than to preserve entire that authority which had been transmitted to him by his ancestors; insisted on a perfect innocence towards his people; observed, that the unjust sentence now inflicted on him was an equitable return for that which he had suffered to be inflicted on Strafford; forgave his enemies; and exhorted the people to return to the paths of obedience, and submit to the government of their lawful sovereign, his son and successor. Bishop Juxon, whose attendance (though a cold inanimate speaker, and very incapable of raising the thoughts beyond their natural bounds) the King had very particularly and earnestly desired*, remembered his master, that the people would expect him to make some declaration on the point of religion: On this the King very earnestly protested, that he had ever lived, and now died in the religion of the church of England. Whilst he was preparing for execution, the bishop poured out a few insipid lifeless exhortations: To these the King returned, "I go from a corruptible to an incorruptible

* Ludlow tells the following anecdote of this bishop: When the doctor was acquainted with the King's condition and desires, he, being altogether unprepared for such a work, broke out into these expressions; "God save me! what a trick is this that I should have no more warning, and I have nothing ready!" But recollecting himself a little, he put on his scarf and his other furniture, and went to the King; where, having read the Common-Prayer and one of his old sermons, he administered the sacrament to him, not forgetting to use the words of the confession set down in the Liturgy, inviting all those who truly repent to make their confession before the congregation then gathered together, though there was no one present but the King and himself. *Ludlow*, p. 109.

crown,

crown, where no disturbance can have place." Then Ann. 1648.
 laying his head upon the block, the executioner (whose
 face was concealed in a vizor) severed it with one Jan. 30.
 stroke from the body: an assistant (in the like dis-
 guise) held it up to the spectators, streaming with
 blood, and, after the usual manner observed in simi-
 lar executions, cried aloud, "This is the head of a
 traitor."

Thus, by a fate unparalleled in the annals of
 princes, terminated the unfortunate life and turbu-
 lent reign of Charles Stewart; a monarch whose prin-
 ciples, conduct, fortune, and death, by powerfully
 engaging the opposite affections attending the dif-
 ferent views and different interests of men, have
 given rise to bitter and irreconcilable contest. Regarded
 as the martyr to church * and state, the patron of the
 clergy, the support of the nobility, we behold him,
 in the representations of a considerable party, adorned
 with every flower of panegyric: By the bigots of a
 different persuasion, his memory, notwithstanding the
 tribute he paid to his crimes, is held in the highest
 detestation. The partizans of Liberty applaud his fate;
 the liberal and humane condemn and pity him: To
 a mind softened by habits of amusement, and intoxi-

* The opinion of Charles's dying a martyr to the church is ground-
 ed on his refusing to give satisfaction, on this article, in his last
 treaty with the parliament; but, if there is any credence to be given
 to Lilly, the King would have signed the propositions in the form
 sent down to him, had he not been diverted from it by the lord Say,
 on the hopes that the parliament would conclude with him upon easier
 terms. *Lilly*, p. 72, & seq.

Ann. 1648. cated with ideas of self-importance, the transition from royal pomp to a prison, from easy, gay, and luxurious life to a premature and violent death by the hands of an executioner, are punishments so sharp and touching, that, in the suffering prince, we are apt to overlook the designing tyrant, to dwell on his hardships, and forget his crimes. Compassion is the constant attendant of liberal minds; and the commiseration of Charles's singular and unfortunate fate, but for the interests of truth and the violence of his partizans, would have inclined all such to have thrown the mantle of oblivion over the dark parts of his character, and only to have remembered that he bore his sufferings in a manner which would have done honor to the best cause. From such indulgence the ill-fated Charles is necessarily excluded: History is called upon to scrutinize with exactness his principles, conduct, and character; since, from the false colorings which by designing men have been thrown on these, and the rancor with which his opponents have been falsely aspersed, have been deduced consequences destructive to the security and welfare of man, and highly injurious to the reputation of patriot citizens.

IN the character of Charles, as represented by his panegyrists, we find the qualities of temperance, chastity, regularity, piety, equity, humanity, dignity, condescension, and equanimity; some have gone so far as to allow him integrity; and many writers, who condemn his political principles, give him the title of a moral man. In the comparison of this representation

sentation with Charles's conduct, accurately and justly Ann. 1648. described, it is discernible that vices of the worst tendency, when shaded by a formal and plausible carriage, when concordant to the interests of a faction and the prejudices of the vulgar, assume the appearances of, and are imposed on the credulous world as, virtues of the first rank.—Passion for power was Charles's predominant vice; idolatry to his regal prerogatives his governing principle *: The interests of his crown legitimated every measure, and sanctified in his eye the widest deviation from moral rule. His religion was to this a secondary and subordinate affection: The prelates of the church of England paid him an impious flattery; they inculcated a slavish dependance on the regal authority; the corruptions in their ecclesiastical discipline fostered superstition; superstition secured their influence over the people; and on these grounds, and to these ends, they kept an interest in the King's heart, which continued to the last period of his life †. If Charles had an higher

* The History of Coins affords an anecdote which shews Charles's affections towards prerogative and popular rights: In the years 1601, 2, 3, 4, and 5, there were several coins stricken in Scotland by James the First, bearing on their reverse the motto, "*Salus populi suprema lex esto.*" In the first year of Charles's government, he altered on his coins the just sentiment of this motto, to "*Salus reipublicæ suprema lex esto.*"

† In the British Museum, N° 122, there is a MS. letter from the King to his queen, dated from Newcastle, 1646, wherein he tells her, That whoever gave her the advice that he should submit to take the damned covenant, was a fool or knave; that it was the child of rebellion, and breathed nothing but treason; that if episcopacy was to be introduced by the covenant he would not take it, for he was as

Ann. 1648. estimation of the faith in which he had been educated than of Popery, it was because the principles of Popery acknowledged a superior allegiance to their spiritual than their temporal prince ; but regarding that superstition to be more favorable to the interests of monarchy, he preferred it to the religion of any differing sect, and publicly avowed his wish, that

much bound in conscience to do no act for the destruction of monarchy as to resist heresy. In a letter of the seventeenth of October, from the same place, the King, in answer to the queen's pressing importunity (by Davenant) for his agreeing to the establishment of Presbyterian government, says, That such an establishment would make him but a titular King ; that a flower of the crown, given away by an act of parliament, is not recoverable ; that if the supremacy in church affairs was not a flower of the crown, he knew not what was ; that the difference between episcopal and Presbyterian government was one of the least of his disputes with the parliament, who, under the pretence of a thorough reformation, did intend to take away all the ecclesiastical power of government from the crown ; that they would introduce a doctrine which taught rebellion to be lawful, That the supreme power is in the people, to whom kings were accountable. In a letter of the twentieth of November, the King tells the queen, That unless religion was preserved, the militia (being not, as in France and other kingdoms, a formed powerful strength) would be of little use to the crown ; that if the pulpits had not obedience, which would never be if Presbyterian government was absolutely established, the King would have but small comfort of the militia ; that for his three years concession of Presbyterian government, he never heard that any right was yielded so long as the claim was kept up, which was clearly done by the article of a debate by divines how the church should be governed, the determination being still free to him and the two houses, on which if his conscience was wronged, he could blame nothing but his own want of courage. In the end of this letter the King says, He is confident that he shall in a short time be recalled with much honor, and that his friends would see he had neither a foolish nor a peevish conscience. *British Museum*, MS. 6988.

there

there never had been a schism in the church. Neither gratitude *, clemency, humanity †, equity, nor generosity ‡, have place in the fair part of Charles's character. Of the virtues of temperance, fortitude, and

Ann. 1648.
Birch's
Enquiry,
p. 297.

* The favors which Charles's fortunes occasioned him to receive from his subjects, he regarded only as obligations of duty to their prince; and any failure, either through motives of conscience or regard to personal safety or interest, in the lengths he exacted of them, cancelled the merits of former services. Of all the nobility and gentry slain in his service, the only individuals whose premature death, it is observed, he gave any public testimony of regretting, were Sir Charles Lucas and Sir George Lisle, when his mind was softened by long adversity.

† Notwithstanding Clarendon's extravagant encomium on the King for these virtues, the severe punishments he inflicted on several individuals, by the court of Star-Chamber, shew an extreme rigor in regard to offenders who opposed his government and opinions.—Ludlow and other writers aver, That the prisoners of war, in places immediately under his command, were treated with inhuman cruelty; and there are some traits of history which shew an indifference, or rather hardness of heart, to the sufferings of others. One, which is to be met with in the Strafford Papers, mentions the King's laughing at the relation of an officer's having lost part of his cheek in an engagement: this anecdote happened in the beginning of his reign. The same Papers make mention of a great unfeelingness, or rather harshness, in the King's behavior to his servant Cottington, on the melancholy occasion of his wife's death. Lilly, the astrologer, who knew the King well, and who was sometimes consulted on his future fortunes, says, That in the times of war he was seldom seen to be sorrowful for the slaughter of his people or his soldiers. *Lilly's Observations on the Life and Death of King Charles*, ed. 1715, p. 13.

‡ The innovation of laws committed to his trust, with several means as well as unjust acts, testify this. In particular, in the commencement of his reign, he dispensed by proclamation with the legal obligation his subjects lay under to buy the honor of knighthood; and then levied fines upon them for non-performance.

personal

Ann. 1648.

personal bravery, he was undeniably possessed. His manners partook of the dissipation, and his conversation of the indecency of a court*. His chastity has been called in question by an author of the highest repute†; and were it allowed, it was tainted by an excess of uxoriousness, which gave it the properties and the consequences of vice. The want of integrity is manifest in every part of his conduct; which, whether the corruption of his judgment or heart, lost him fair opportunities of reinstatement in the throne, and was the vice for which, above all others, he paid the tribute of his life. His intellectual powers were naturally good, and so improved by a continued exercise, that, though in the beginning of his reign he spoke with difficulty and hesitation, towards the close of his life he discovered in his writings purity of language and dignity of style, in his debates elocution and quickness of conception. The high opinion he

* Before the commencement of the civil wars, plays, and every kind of dissipation which the times afforded, reigned in the King's court. Milton, in his masterly Defence, &c. against Salmasius, taxes the King with amorous indecencies committed in public; and, notwithstanding the contrary has been so strongly asserted by Clarendon, there are two passages in the Sydney Papers which demonstrate that the conversation of the court, and even of Charles himself, was not only indelicate but lewd.

† Milton, in his Defence, &c. gives shrewd intimations that the King was defective in the point of chastity. Lilly says of him, That he honored the virtuous, and was very shy and choice in wandering in irregular paths; that when he did, it was with much cautiousness and secrecy; that he never prostituted his affections but to those of exquisite persons or parts. The same author asserts that Charles had one or two natural children. *Lilly, p. 11.*

enter-

entertained of regal dignity occasioned him to observe Ann. 1648. a stateliness and imperiousness of manner, which, to the rational and intelligent, was unamiable and offensive ; by the weak and the formal, it was mistaken for dignity *. In the exercise of horsemanship he excelled ; had a good taste, and even skill in several of the polite arts ; but, though a proficient in some branches of literature, was no encourager of useful learning, and only patronized adepts in the jargon of

* In the King's palaces different rooms were allotted to the different ranks of the nobility and gentry ; and orders were hung up in every apartment, forbidding all persons below a certain quality to enter. The observance of these ridiculous distinctions was exacted with such rigor, that Sir Henry Vane the younger, having intruded himself into an apartment allotted to a superior rank, was so suddenly, whilst in discourse, surprised with the King's appearance, that, not having opportunity to retire unperceived, he hid himself behind a large carpet, which hung before a sideboard cupboard : in this situation he was discovered by the King, who, with an unmanly insolence, struck him with his cane. Even in Charles's days of humiliation, he struck colonel Whaley for the omission of some ceremony, or fancied disrespect ; and when Sir Thomas Fairfax (who proved one of the principal actors in his overthrow) presented him on his knees a petition, the King, who knew the contents would be disagreeable to him, turned haughtily away, with a motion so sudden that the petitioner was hurt by his horse's feet, and had like to have been trampled to death. With manners so insolent and provoking, the King's general carriage was stiff and formal, to a degree which carried the appearance of high contempt, to his inferiors. Clarendon spends many pages in panegyrising the King on the article of his stateliness ; sets forth the glories of Solomon's court as an example for all princes to follow ; and observes, That its pompous ceremonies struck the queen of Sheba with the high idea she is said to have conceived of Solomon's wisdom : This, though a very natural sentiment in a female princess, is a little out of character in the mouth of a moralist, a philosopher, and an historian. *Carte's Life of Ormond*, vol. I. p. 356, & seq. *Clarendon's History*.

the

Ann. 1648. the divine right and utility of kings and bishops. His understanding in this point was so depraved by the prejudices of his education, the flattery of priests, and the affections of his heart, that he would never endure conversation which tended to inculcate the principles of equal rights in men; and notwithstanding that the particularity of his situation enforced his attention to doctrines of this kind, he went out of the world with the same fond prejudices with which he had been fostered in his nursery, and cajoled in the zenith of his power *.

CHARLES was of a middle stature; his body strong, healthy, and justly proportioned; his face was regular, handsome, and well complexioned; and his aspect melancholy, yet not unpleasing. His surviving

† In apology for Charles's government, it has been often advanced, that the same tyrannical principles prevailed equally in those of all his predecessors, and in particular in the government of that favorite sovereign queen Elizabeth; that Charles only endeavored to preserve the rights he found in the crown; and that the usurpation began on the side of the Commons. In contradiction to this assertion, it is to be observed, that Charles, by offering to bring things back to the course preserved in church and state during Elizabeth's government, acknowledged he had innovated both. Were it granted, that the Commons made the first attack on the established encroachments of the crown, was that supposed right to be defended by any mean? Charles's situation, and consequently his political conduct, differed widely from that of Elizabeth and the rest of his fortunate predecessors: in the peaceful possession of their tyranny, they ruled a willing people, and preserved the forms of the constitution. The opposition with which Charles encountered engaged him in breach of faith, in civil war, and other criminal transactions; whilst his inflexible tenacity, with the steady opposition of the Commons, must, had he prevailed, have destroyed every principle of Liberty in the constitution.

issue

issue were three sons and three daughters *. He was Ann. 1648. executed in the forty-ninth year of his age, and buried; by the appointment of the parliament, at Windsor, decently, yet without pomp. The duke of Richmond, the marquis of Hertford, the earls of Southampton and Lindsey, at their express desire, were permitted to pay the last duty to their master, but were denied (by colonel Whitchcot, the governor of Windsor-Castle) the use of the burial service, according to the book of Common-Prayer †.

A QUESTION whether the people, in any case, have a right to depose and punish their sovereign, became, Arguments on the subject of the King's execution.

* Charles prince of Wales, born in 1630; James duke of York, in 1633; Henry duke of Gloucester, in 1641; Mary princess of Orange, born in 1631; Elizabeth, in 1635; and Henrietta, in 1644.

† Of the voluminous works published in Charles's name, his letters and messages to the parliament, during his strict confinement in the Isle of Wight, are known to be his, with several letters written to the queen and others. Whether he was the author of the Eikon Basilike, a work said to be composed by him in the decline of his fortunes, has been a matter highly contested. The stile of this composition has great similarity to the King's; the professions to be found in it, though contrary to the whole tenor of his conduct, he had often publicly made; many of the sentiments are his own, and others he had always assumed; yet the proofs, brought by Toland to evince that this work was not the King's, lord Clarendon's total silence on so important a point, and the testimony of the duke of York, as related by Burnet, have more than equal weight against the arguments of the royalists. There is a letter said to be written by Charles, during his last treaty with the parliament, and addressed to the prince of Wales, which Burnet, by the same testimony, hints to be spurious: Though tinged with Charles's prejudices, it is full of moral sentiments; and were it not for the King's insincere conduct with the parliament in regard to Ireland, at the very time it was supposed to be written, would argue his reformation in the point of integrity.

Ann. 1648. on the death of Charles, the subject of earnest debate, and was pursued by the high-church and prerogative party with the utmost violence and acrimony. The sufferings of the royal martyr, for so the deceased monarch was termed, were compared to those of Christ the Redeemer: In the comparison, the hardships of the King's case (on account of his rank) were ridiculously and impiously preferred; and the crucifiers of their God, by churchmen and their adherents, were regarded with an inferior detestation to the murderers of their King *. The corrupt doctrines which

* Symmons's Parallel, published in 1648. Various sermons; in particular one preached by the bishop of Down, before Charles the Second, in the year 1649, printed at Breda, and reprinted at London in 1720; one preached on February 4, 1648, entitled "The Devilish Conspiracy, &c." and another by Dr. Binks, preached on the thirtieth of January, before the lower house of Convocation, in 1701, and censured by the house of Lords, as a just scandal and offence to all Christian people.—The following passages, out of the bishop of Down's sermon, are given as specimens of the doctrines and opinions of high-church divines; viz. "The person now murdered was not the Lord of glory, but a glorious lord, Christ's own vicar, his lieutenant and vicegerent here on earth; and therefore, by all laws divine and human, he was privileged from any punishment which could be inflicted by men. Albeit he was an inferior to Christ, as man is to God, yet was his privilege of inviolability far more clear than was Christ's; for Christ was not a temporal prince, his kingdom was not of this world, and therefore when he vouchsafed to come into the world, and to become the son of man, he did subject himself to the law; but our gracious sovereign was well known to be a temporal prince, a free monarch, and their undoubted sovereign, to whom they did all owe and had sworn allegiance. The parliament is the great council, and hath acted all and more against their lord and sovereign than the other did against Christ: the proceedings against our sovereign were more illegal, and in many things more cruel. The true religion delivered unto us in scripture, and professed in the true, ancient,

had been taught by the clergy were currently broached Ann. 1648. as standards of political and divine truths; and the utmost depravity of human reason appeared in the contest. Monarchy was represented as a form of government of God's immediate appointment; kings his sacred vicegerents, whom to resist was impious, to depose was damnable, to punish was atrociously criminal beyond the hope of mercy; nor could the utmost height of depravity in the nature, or wickedness in the conduct of a monarch, excuse, in any degree, such an act of jurisdiction in revolted subjects. Systems, on the principles of fate and necessity, were written to support the doctrines of slavery: A paternal and legislative power in kings was attempted to be proved by succession from Adam; of whom it was absurdly asserted, that he was by God invested with the absolute power of life and death *.

cient, and Catholic church, doth teach us to honor and obey the King, as God's minister set over us; and that the injuries of kings, though ever so great, are to be endured by their subjects, who have no other remedy, and are to use no other arms against their King, than to pray unto God for him, who hath the hearts of kings in his hand, and may turn them when he thinks fit."

The following passage, in a letter from general Digby to the marquis of Ormond, shews that the impious nonsense preached in these and successive times, to the end of queen Anne's reign, were not only to be found in the doctrines of the high-church clergy, but had taken deep root in the opinions of their followers. "From the creation to the accursed day of this damnable murder, nothing parallel to it was ever heard of. Even the crucifying our Blessed Savior, if we consider him only in his human nature, did nothing equal this; his kingdom not being of this world; and he, though unjustly condemned, yet judged at a lawful tribunal." *State Letters. Carte, vol. III. p. 607.*

* These nonsensical opinions are fully confuted in two masterly performances of Locke and Sydney.

Ann. 1648.

Goodwin's
Defence of
the Honorable
Sentence.The Resolver,
&c. quarto,
ed. 1648.Sydney's Discourses on
Government,
quarto ed.
1763.Milton's Tenure of Kings
and Magistrates.Goodwin's
Defence.Milton's Defence, &c.
against Salmasius.

As the scriptures were wrested to authorize the doctrines of the adversary, so the partizans of Liberty, from the same source, argued, That the death of a bloodshedder was required by the Lord, who by his word cautions against the respect of persons, or the exempting individuals from judgment on account of their authority; that men of all ranks and orders were included in this command; and, in case of the deficiency of the magistrate, were bound to see it fulfilled. On the rule of policy, they observed, That the constitution of a King did not take away that lawful defence against force and injury allowed by the law of nature: That even the civil laws which were imperial, declared, that we are not to obey a prince ruling above the limits of the power entrusted to him; for the commonwealth, by constituting a King, doth not rob or deprive itself of the power of its own preservation: That God having given the world to no one man, nor declared how it should be divided, left it to the will of man: That government and magistracy, whether supreme or subordinate, was a mere human ordinance: That the laws of every nation were the measure of magistratical power: That Kings, the servants of the state, when they degenerated into tyrants, forfeited their right to government: That where there is a covenant and oath, there must be coercive power to enforce it: That the oaths of allegiance were to be understood as conditionally binding, according to the observance of the oaths kings made to their people: And that neither the laws of God nor nature were against the people's laying aside Kings and kingly government, and the adopting more convenient

nient forms. To the opposition of the Presbyterians, it was objected, That he whom they had exclaimed against in their pulpits as a tyrant, as an enemy to God and saints, as laden with all the innocent blood spilt in the three kingdoms; that he whom they had devoted to perdition, with exhortation to curse, in the name of God, all those who did not make war against him; was without penitence or alteration in his first principles, a lawful magistrate, a sovereign lord, the Lord's anointed, his person sacred, though they had formally denied him his office, and every where resisted his power, but where it survived in their own faction. To their arguments of indefeasible right it was returned, that though a derivative power was committed in trust from the people to Kings and magistrates, yet it remained fundamentally in its source: That to say a King had as good a right to his crown and dignity as another man to his inheritance, was to make the subject no better than his slave; yet, even on the supposition of hereditary right, there were crimes for which hereditary right was justly forfeitable: That to say a King was accountable to none but God, was neither founded on command, precept, nor reason; that it was the overthrow of all law, and the destruction of good policy: That the authority of the scripture, in the example of the Israelites, established the right of choosing and changing government: That God himself had given the preference to a republic, as a more perfect form than a monarchy, and more suitable to the conditions of mankind; and that Christ bore testimony against the absolute

Ann. 1648.
Tenure of
Kings and
Magistrates.

Defence
against Sal-
masius.

Ann. 1648.
Milton's Te-
nure.

absolute authority of the Gentile governors*: That to resist, depose, and kill weak and wicked princes, had been in part the conduct of the Reformed, and the favorite doctrine of Calvinistical divines †: That, even in the case in question, the King, by being deprived of his office, had been in a manner deposed by both the Scotch and English Presbyterians: That to war upon a King, that his instruments might be brought to condign punishment, to inflict sufferance on the instruments, and not only to spare but defend and honor the author, was the absurdest piece of justice to be called Christian, and of reason to be called human, which ever yet entered the heads of men of reverence and learning.

THE positions to be found in these arguments, That government is the ordinance of man; that, being the mere creature of human invention, it may be changed

* “ Absolute monarchy (says Locke, that deep and accurate reasoner, on the principles of government and subjection) is inconsistent with civil society, and therefore no form of civil government. Where men have no standing rule to appeal to on earth, they are still in a state of nature, and under all the inconveniencies of it; but with this woeful difference to the subject of an absolute prince, that as, in an ordinary state of nature, he is at liberty to judge of, and maintain his right under such government, as if degraded from the common state of rational creatures, he is denied that privilege, and so exposed to all the miseries which a man has to fear from one, who, being in the unrestrained state of nature, is yet corrupted with flattery, and armed with power. *Locke on Civil Government, oct. ed. 1764.*

† Zuinglius, Calvin, Bucer, Peter Martyr, Gilby, Christopher Goodwin, John Knox.

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or altered according to the dictates of experience, and Ann. 1648. the better judgment of men; that it was instituted for the protection of the people, for the end of securing not overthrowing the rights of nature; that it is a trust either formally admitted, or supposed; and that magistracy is consequently accountable*; will meet with little contradiction in a country enlightened with the unobstructed ray of rational learning. Systems of slavery, condemned to oblivion by general neglect, are no where to be found but among the lumber of a university; nor, till the light of letters are again extinct, will another Filmer arise, to dispute the equal justice of God, and the natural freedom of mankind.

ON general grounds it must be indisputably acknowledged, that the partizans of Liberty gained a complete triumph over the adversary; on the particular circumstances of the case in question it must be allowed, they discovered error and fallacy. "The absence of twice so many members, says Goodwin (on the argument that the parliament, by whose authority the high court of justice was erected, was no true parliament), as were detained from the house by force doth not at all maim its legitimacy, nor disable its legal authority, in respect of any parliamentary end

* "Who, says Locke, shall be judge whether his trustee or deputy acts well, and according to the trust reposed in him, but he who deposes him, and must, by having deputed him, have still power to discard him when he fails in his trust? If this be reason in particular cases of private men, why should it be otherwise in cases of the greatest moment, where the welfare of millions is concerned?" *Locke on Civil Government.*

Ann. 1648. or purpose whatsoever. The detainment of some of their members from them by force doth not alter the case, in respect of nulling the authority or parliamentary power of those who did sit, especially they not consenting or being accessary to such their detainment. Suppose some of their members, employed by them in carrying messages or petitions to the King, during the time of the wars, had been forcibly detained by him, would such a restraint laid upon them by the King have dissolved the parliamentary authority of the house?" No, it would not; but if the house had been garbled of all those members who were engaged in an opposite interest to the King, and none but his creatures permitted to sit, it certainly would: assertions like these, without argument, disgrace the cause they were intended to defend. A parliament under any undue influence or force can do no constitutional act; and it is to be disputed whether, in a free capacity, the joint powers of both houses reach to the warring with or dethroning their King *: The oaths of supremacy and allegiance †, every form of law, are against it. Sovereignty

* The question here is not, What is fit and convenient? but, What the forms of the constitution prescribe? Not, Whether the King, who, on abuse of power, can only be dispossessed of it by state convulsions and civil contention, ought to be vested with sovereignty, or the house of Commons, supposed to be the free elected representative of the people, whose members, on a breach of trust, can at stated periods be dispossessed of their authority, without violence, or the infringement of the forms of the constitution?

† When the Commons declared themselves the supreme authority of the nation, they abolished the oaths of supremacy and allegiance to the King.

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and jurisdiction over sovereignty is a contradiction in terms *; and in all the addresses of the two houses to the monarch, far from assuming superior or equal stations in the legislature, they acknowledge a subordinate inferiority †.

To attempt the defence of that eminent act of justice, the King's death, on the narrow bottom of constitutional forms, is to betray the cause of Liberty, and confound both truth and reason. When a sovereign, by enlarging the limits of that power with which he is vested for the protection of the people, weakens the authority of laws, and consequently the security of the subject; when he acts in opposition to the just ends for which government was instituted, and from a protector of the commonwealth becomes an enemy; when, by breach of trust and non-performance of obligations, the good purposes of his institution are inverted; his trust and right to government from that period are forfeited ‡, the tie of al-

* On the side of the cavalier faction were, in general, the forms of law; on the side of their opponents, magnanimity, justice, sense, and reason.

† In the style of some very late addresses, of the collective and representative bodies, can hardly be discerned the characters of a free people.

‡ "All power, says Locke, is given with trust for the attaining an end; being limited by that end, whenever that end is manifestly neglected or opposed, the trust must necessarily be forfeited, and the power devolve into the hands of those who gave it; who may place it anew, where they shall think best for their safety and security." *Locke*, p. 82.

Ann. 1648.

legiance is dissolved, and the law and the constitution being rendered incapable of affording the subject protection, he is no longer bound by their forms or dictates, and may justly, by the right of self-preservation, take every probable mean to secure himself from the lawless power and enterprizes of the tyrant *. It is on these grounds the parliament are to be defended in the war they made on the King: It is on these grounds the army, as they profess in several declarations, supported their pretensions; not as servants to the dictates of a master, but as fellow-citizens in support of equal Liberty. The parliament, as watchmen for the commonwealth, were to represent to the people their danger: The parliament, as elected by the people for the purposes of guarding the Liberties of the constitution, though not formally invested with the power of opposing by the force of arms a tyrannical headstrong prince, yet this power being, by the nature of their office, rationally implied, it was a duty binding in conscience and in honor: The parliament, by the advantages which the possession of part of the authority of the government

+ “ Where the body of the people, says Locke, or any single man, is deprived of their right, or is under the exercise of a power without right, and have no appeal on earth, then they have a liberty to appeal to heaven, whenever they judge the cause of sufficient moment; and therefore, though the people cannot be judge, so as to have, by the constitution of that society, any superior power to determine and give effective sentence in the case, yet they have, by a law antecedent and paramount to all positive laws of men, reserved that ultimate determination to themselves which belongs to all mankind, where there lies no appeal on earth; viz. To judge whether they have just cause to make their appeal to Heaven. *Locke, p. 347.*

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gave them, were entitled to lead in the undertaken Ann. 1648. war against the encroachments of power ; but not, as masters of the community, to mould the constitution at their pleasure, and gain to themselves the sole benefits of the conquest: The parliament, on the principles of self-defence, on the principles of equity and reason, without respect to constitutional forms, had a right to oppose the tyrant to the utmost ; so, upon the same principles, had the collective body of the people ; so, upon the same principles, had any party or individual of the people. Exclude this position, and all governments are equal tyrannies ; the destroyers, not the preservers of the rights of nature.

NEVER any prince who sat on the English throne had made greater innovations in the government than Charles ; never any prince had laid deeper schemes against the freedom of the constitution ; never any prince, even to the last period of his life, had manifested in his conduct less title to farther trust. The parliament, the majority of whom were Calvinists, against the sense of their fellow-associates, the army, who had borne the danger, the burthen, and heat of the day, neglecting or rather betraying the cause of equal Liberty, on the pretence of which they had began the contention, attempted by a coalition with the King to establish their own authority over, and coerce their religion upon, the people. The army, who had fought for Freedom, not for a change of tyranny, on the same grounds of equity on which the first quarrel was began, opposed their measures, and overpowered their authority.—Against the objection, That
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Ann. 1648. on these positions all government must be unstable, that good and just, as well as bad and tyrannical, would be liable to be shaken by the interested views and giddy enterprizes of a faction, it is to be observed, that these objections, though common, are weak and designing; the fears of the frail, the ignorant, and the wicked: Government never can stand on better, never on firmer, never on equitable grounds, than on its good behavior. Just government will be felt, its advantages will be seen, its security will be fixed in the hearts of its subjects, not to be shaken by the fantastic or selfish ends of individuals. The experience of all times shews, that the people are with difficulty moved to assert their rights, even against the most obvious, the most oppressive tyrannies.

APPENDIX.

A P P E N D I X.

The WARRANT for the Execution of King CHARLES I.

WHEREAS Charles Stewart, king of England, is, and standeth convicted, attainted, and condemned of high-treason, and other high crimes; and sentence upon Saturday last was pronounced against him by this court, to be put to death by the severing of his head from his body; of which sentence, execution yet remaineth to be done: These are therefore to will and require you to see the said sentence executed in the open street before Whitehall, upon the morrow, being the 30th day of this instant month of January, between the hours of ten in the morning, and five in the afternoon of the same day, with full effect. And for so doing, this shall be your sufficient warrant. And these are to require all officers, soldiers, and others, the good people of this nation of England, to be assisting unto you in this service.

To col. Francis Hacker, col.
Huncks, and lieut. col. Phray,
and to every of them.

Given under our hands and seals.

Sealed and subscribed by

John Bradshaw,	Tho. Harrison,	Richard Deane,	John Barstead,
Tho. Grey,	John Hufon,	Robert Tichburne,	Isaac Ewers,
Oliver Cromwell,	Henry Smith,	Humphrey Edwards,	John Dixwell,
Edward Whaley,	Peregrine Pelham,	Daniel Blagrove,	Valentine Walton,
Michael Livesey,	Simon Meyne,	Owen Roe,	Gregory Norton,
John Okey,	Tho. Horton,	William Purefoy,	Tho. Chaloner,
John Danvers,	John Jones,	Adrian Scroope,	Tho. Wogan,
John Bourcher,	John More,	James Temple,	John Ven,
Henry Ireton,	Hardress Waller,	Augustine Garland,	Gregory Clement,
Tho. Maleverer,	Gilbert Millington,	Edmond Ludlow,	John Downs,
John Blackiston,	George Fleetwood,	Henry Martin,	Tho. Wayte,
John Hutchinson,	John Alured,	Vincent Potter,	Tho. Scot,
William Goffe,	Robert Lilburn,	William Constable,	John Carew,
Tho. Pride,	William Say,	Richard Ingoldsby,	Miles Corbet,
Peter Temple,	Anthony Stapeley,	William Cawley,	

END of the FOURTH VOLUME.

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